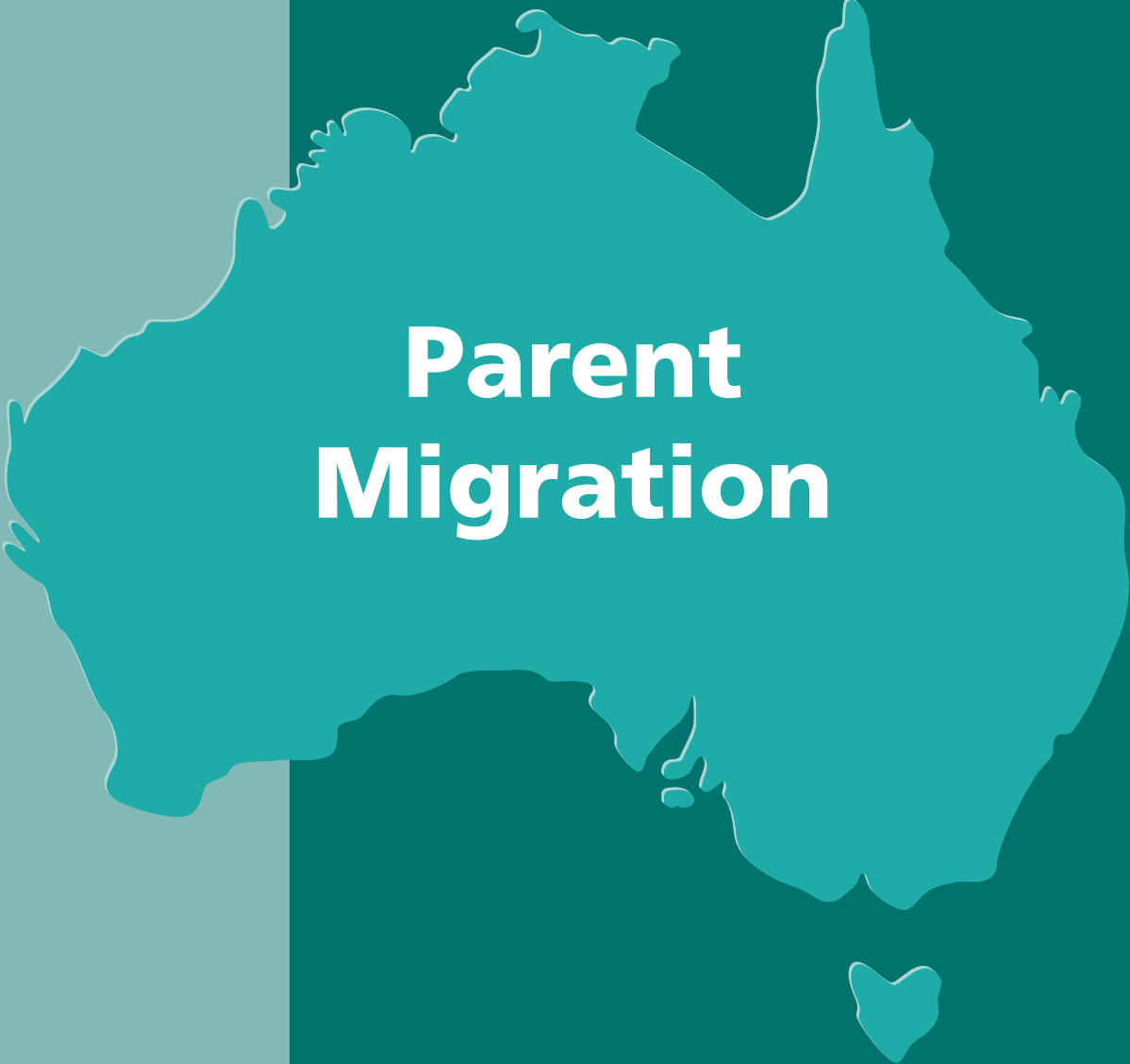


3



Parent Migration



Australian Government

Department of Immigration and
Multicultural and Indigenous Affairs

About this booklet

This booklet is designed so that you can understand the steps for applying for **Parent Migration to Australia**, and complete the application form with minimal, if any, help.

This booklet is one of a series of booklets about migration to Australia. The booklets are:

- 1 Partner Migration
- 2 Child Migration
- 3 Parent Migration
- 4 Other Family Migration
- 5 Employer Sponsored Migration
- 6 General Skilled Migration
- 7 Business Skills Entry
- 8 Special Migration

For general information about migration to Australia, read information form 1126i *Migrating to Australia*, or visit the website at www.immi.gov.au/migrate/index.htm

Using a migration agent

You are not required to use a migration agent. However, if you intend to use a migration agent, you are advised to use an Australian registered migration agent.

Under Australian law, anyone who uses knowledge of migration procedures to offer immigration assistance to a person wishing to obtain a visa to enter or remain in Australia must be registered.

A list of registered migration agents is available from the Migration Agents Registration Authority (MARA) website www.themara.com.au

You can contact the MARA at:

PO Box Q1551
QVB NSW 1230
AUSTRALIA

Phone: 61 2 9299 5446

Facsimile: 61 2 9299 8448

E-mail: themara@themara.com.au

Registered migration agents are bound by the Migration Agents Code of Conduct and generally charge for their services. The MARA investigates complaints against registered migration agents and may take disciplinary action against them. If you have a concern about a registered migration agent, you should contact the MARA. You can also download a copy of the complaint form from the MARA website.

The Immigration Advice and Application Assistance Scheme (IAAAS)

Application assistance is provided to eligible applicants and sponsors in Australia to prepare, lodge and present applications for visas. Assistance and advice is funded by the Commonwealth at no cost to the applicant or sponsor and is delivered by service providers throughout Australia. Information on eligibility can be found on DIMIA Fact sheet 63 *Immigration Advice and Application Assistance Scheme*. The fact sheet is available at DIMIA offices or from the DIMIA website.

1129 (Design date 03/05)

© COMMONWEALTH OF AUSTRALIA, 2005

Department of Immigration and Multicultural and Indigenous Affairs

www.immi.gov.au

Contents

Part 1 • General information	3
Overview of Parent Migration visas	3
Basic requirements	4
Summary of differences between the 6 visa classes	8
Application queue	10
Age requirements	11
Balance of family test	12
Sponsorship	14
Assurance of Support	16
Costs and charges associated with your application	17
Dependants	19
Living in Australia	21
Part 2 • Health and character	25
Part 3 • Preparing your application	27
Part 4 • Processing visa applications	31

Terms you need to know

Aged parent	A person who is old enough to be granted an Australian age pension.
Applicant	The applicant is the person (or persons) applying to migrate or to remain permanently in Australia.
Australian mission	An Australian Embassy, High Commission, Consulate or Consulate-General or Australian Trade Commission.
DIMIA	Department of Immigration and Multicultural and Indigenous Affairs.
DIMIA office	A regional office of the Department of Immigration and Multicultural and Indigenous Affairs in Australia.
Eligible New Zealand citizen	An eligible New Zealand citizen is one who: held a Special Category Visa (SCV) on 26 February 2001; or held a SCV for at least one year in the 2 years preceding that date; or has a certificate, issued under the <i>Social Security Act 1991</i> , that states that the citizen was, for the purposes of the Act, residing in Australia on a particular date and who would have met certain health and character requirements on last entry to Australia.
Permanent Resident	A non-citizen, being usually resident in Australia, who is the holder of a permanent visa.
Settled	To meet settled requirements, a person must have been lawfully resident in Australia usually for a period of 2 years.
Sponsor	The sponsor is generally the Australian relative who undertakes sponsorship obligations for an applicant migrating from overseas, or applying for permanent residence in Australia.

PART 1

General information

Overview of Parent Migration visas

In March 2003, legislation was passed in Parliament that allowed for the introduction of new arrangements for parent visas. These new arrangements allow entry of additional parents willing to make a higher contribution to their future health and welfare costs. As a result, there are 6 classes of visas available for parents who wish to reside in Australia. These visa classes fall into 2 broad groups: the **parent category** and the **contributory parent category**, known collectively as 'parent visas'.

Applicants for the **contributory parent category visas** are required to make a higher contribution towards their future health costs.

If a visa place is available, applicants who meet all other requirements for the **contributory parent category visas** can choose to pay the entire second instalment of the visa application charge (2nd visa application charge) at one time. They will then be granted a permanent visa, subject to a visa place being available.

Alternatively, subject again to a visa place being available, applicants who meet all other requirements for the **contributory parent category visas** can choose initially to pay 60% of their 2nd visa application charge. They will then be granted a temporary visa valid for 2 years. To be granted a permanent visa, temporary visa holders must apply for the corresponding permanent visa before their temporary visa expires. If all requirements for grant are met, the remaining 40% of their contribution towards health costs must be paid before a visa can be granted.

There are more than 3 times the number of visa places available each year in the **contributory parent category** than are available in the **parent category**. Applicants for a visa in the **parent category** can expect a substantial wait in the queue before being granted a visa. Applicants for a visa in the **contributory parent category** can anticipate being processed more quickly. (See page 10 'Application queue', for more details on the queuing process).

Basic Requirements

Generally, the following are requirements for all parent visas:

- you must be a parent of a child who is an Australian citizen, Australian permanent resident or eligible New Zealand citizen*;
- your child must be settled in Australia (in most cases, resident for at least 2 years) and must sponsor you. Details about sponsorship are on page 14 'Sponsorship'*;
- you must pass the balance of family test – at least half of your children must live permanently in Australia or you must have more children living permanently in Australia than in any other single country (see page 12 'Balance of family test')[†];
- you must meet health and character requirements (see Part 2 'Health and Character');
- in addition to paying the charge when you lodge your application (known as the first instalment of the visa application charge or 1st visa application charge) and meeting the requirements listed above, you will need to pay a second instalment of the visa application charge (known as 2nd visa application charge)[#];
- if you are applying for any permanent parent visa, you will also be required to provide an acceptable Assurance of Support and provide evidence of payment of an Assurance of Support bond[#];
- if you are applying for any parent visa that has the word 'aged' in its title, you must be an Aged Parent. The term 'Aged Parent' is defined in the 'Age Requirements' section of this booklet (see page 11 'Age Requirements').

*Where a sponsor of a holder of a temporary contributory parent visa dies, the applicant does not necessarily need to meet these requirements when applying for corresponding permanent contributory parent visa. Contact your nearest DIMIA office or Australian mission for further details.

[†]Where a temporary contributory parent visa holder applies for the corresponding permanent contributory parent visa, they will not be required to meet the balance of family test again.

[#]Payment of the 2nd visa application charge and the Assurance of Support bond is not required until after all other legal requirements have been met for the grant of the visa for which you applied. DIMIA will contact you by letter to advise when payment must be made.

Parents can apply for permanent migration to Australia under one of the 4 permanent parent visa classes:

- **Contributory Parent**
Class CA (Contributory Parent–Migrant (subclass 143))
- **Contributory Aged Parent**
Class DG (Contributory Aged Parent–Residence (subclass 864))
- **Parent**
Class AX (Parent–Migrant (subclass 103))
- **Aged Parent**
Class BP (Aged Parent–Residence (subclass 804))

For **permanent parent visa classes**, the following additional requirement applies:

- An Assurance of Support is required (see page 16 'Assurance of Support' for details).

Parents can also apply under 2 temporary parent visa classes:

- **Contributory Parent (Temporary)**
Class UT (Contributory Parent–Temporary (subclass 173))
- **Contributory Aged Parent (Temporary)**
Class UU (Contributory Aged Parent–Temporary (subclass 884))

For the **temporary parent visa classes**, the following information applies:

Applicants are required to pay a portion of the second visa application charge (60% of the second visa application charge for the permanent contributory parent visas) before grant of the temporary visa. The remaining portion (40% of the second visa application charge for the permanent contributory parent visas) must be paid before grant of the permanent visa. Where a charge is levied by DIMIA, you can check the amount of the charge listed on form 990i *Charges*. This form is available in the Forms section of DIMIA's website www.immi.gov.au/allforms/990i.htm

Applicants will be granted a temporary visa valid for 2 years once all the legislative requirements are met. The visa provides access to full work rights and Medicare (see page 23 'Medical costs in Australia'), but the visa cannot be extended or renewed.

Applying for a permanent contributory parent visa as a temporary contributory parent visa holder

If, since last entering Australia, you have been granted a temporary contributory parent visa, you can make a valid application for only a very limited range of visas:

- the corresponding permanent contributory parent category visa;
- a Medical Treatment visa; or
- a protection visa.

This restriction will apply for as long as you remain in Australia – even after your temporary visa ceases.

As a temporary visa holder, you can apply for the corresponding permanent visa, that is:

- a Contributory Parent (Class UT–Temporary) visa holder may apply only for a Contributory Parent (Class CA–Migrant) visa; or
- a Contributory Aged Parent (Class UU–Temporary) visa holder may apply only for a Contributory Aged Parent (Class DG–Residence) visa.

By applying for the corresponding permanent visa during the 2 years' validity period of the temporary visa, you obtain certain concessions, such as:

- you complete a substantially shorter application form (see page 27);
- you pay a substantially reduced 1st visa application charge on lodgement of your permanent visa application (see page 17 'Costs and charges associated with your application');
- you are not re-assessed against the balance of family test (see page 12 'Balance of family test');
- you can change your sponsor to another eligible person between the time your permanent visa application is lodged and it is decided (see page 14 'Sponsorship');
- you may be taken to be sponsored if the person who sponsored you for the temporary contributory parent visa dies before your temporary visa ceases and you have no other children available to meet sponsorship requirements (see page 14 'Sponsorship');
- generally, you are not required to undergo further health checks (see page 25 'Health'); and
- you pay the balance of the 2nd visa application charge, not the full amount (see page 17 'Costs and charges associated with your application').

If you do not apply for the permanent visa before the expiry of your temporary contributory parent visa, you do not get the benefit of these concessions.

The table on pages 8 and 9 provides a summary of some of the differences between the 6 visa classes available for parents.

Applying for a parent visa if you have lodged another parent visa application with DIMIA

For a subsequent parent visa application to be valid, you **must** withdraw any existing parent application that has not yet been decided.

You can withdraw an existing application by completing the relevant questions at Part B of form 47PA *Application for migration to Australia by a parent*, which is provided with this booklet. You and any other member of your family unit who was included in your parent visa application should also sign and date the request to withdraw the existing parent visa application. The 1st visa application charge that you paid at time of lodgement of your application is usually not refunded. However, if you:

- lodged an application for a Parent (Class AX–Migrant) visa before 27 June 2003 **and** apply for either a Contributory Parent (Class CA–Migrant) visa or Contributory Parent (Class UT–Temporary) visa; **OR**
- lodged an application for an Aged Parent (Class BP–Residence) visa before 1 July 2003 **and** apply for either a Contributory Aged Parent (Class DG–Residence) or a Contributory Aged Parent (Class UU–Temporary) visa,

there will be no 1st visa application charge for the new application.

Applying for a parent visa if you have lodged an application for review of a refusal decision of a parent visa application

If you have applied for review of a refusal decision in relation to a parent visa application and that review application has not been finalised, you must ensure that it has been withdrawn or finalised before another parent visa can be granted.

In applying for review of that decision, you may have lodged that application with a review body such as:

- the Migration Review Tribunal (MRT);
- the Administrative Appeals Tribunal (AAT); or
- a court.

In relation to review applications with the MRT, you must either withdraw the application or must ensure that the application has been finally determined. Under migration legislation, an MRT application has been finally determined if:

- the MRT has already made a decision;
- the time to seek MRT review has passed; or
- the application was ineligible for MRT review.

However, you should note that you may have a finally determined MRT application, but the decision could still be eligible for judicial review by the courts. A decision by the AAT could also be eligible for judicial review by the courts. Until the time period in which to apply for judicial review has passed, such decisions by the MRT or AAT will not be regarded as having been finalised.

If you have applied for judicial review of any decision in relation to a parent visa, you must withdraw that application before another parent visa can be granted.

To withdraw any review application with the MRT or the AAT, you will need to contact the relevant review body to arrange for withdrawal of that application and to obtain evidence of that withdrawal that you can give to DIMIA. If you have applied for judicial review (the courts) of a refusal decision in relation to a parent visa application, you should contact DIMIA for advice.

Note: If you have an application before the MRT and you withdraw that application to be granted another parent visa, your MRT application fee will be refunded.

If you are in Australia and have an application for review of a refusal decision in relation to a parent visa application, you may have to leave Australia in order to make a valid application for another parent visa (see page 33). Before withdrawing your review application, you should contact the DIMIA office at which you plan to lodge another parent visa application. This is to find out whether you would be eligible to apply for another parent visa.

It is in your interest to provide all the documents listed on page 29 with your valid application. Failure to do so may result in the processing of your application being delayed, or a decision being made to refuse to grant the visa.

Summary of differences between the 6 parent visa classes

	Type of parent visa	Application form	Place of lodgement [§]	Location of Applicant when visa application is lodged [†]
Contributory Parent category	Contributory Parent (Class CA–Migrant) – Subclass 143	47PA	Perth Offshore Parents Centre (POPC)	Either in or outside Australia
	Contributory Parent (Class UT–Temporary) – Subclass 173	47PA	Perth Offshore Parents Centre (POPC)	Either in or outside Australia
	Contributory Parent (Class CA–Migrant) – Subclass 143 <i>if applicant is the holder of Contributory Parent (Class UT–Temporary) – Subclass 173</i>	47PT	Perth Offshore Parents Centre (POPC) or DIMIA office in Australia	Either in or outside Australia
	Contributory Aged Parent (Class DG–Residence) – Subclass 864	47PA	DIMIA office in Australia	In Australia
	Contributory Aged Parent (Class UU–Temporary) – Subclass 884	47PA	DIMIA office in Australia	In Australia
	Contributory Aged Parent (Class DG–Residence) – Subclass 864 <i>if applicant is the holder of Contributory Aged Parent (Class UU–Temporary) – Subclass 884</i>	47PT	DIMIA office in Australia	In Australia
	Parent (Class AX–Migrant) – Subclass 103	47PA	Perth Offshore Parents Centre (POPC)	Either in or outside Australia
Parent category	Aged Parent (Class BP–Residence) – Subclass 804	47PA	DIMIA office in Australia	In Australia

[§] See 'Lodging your application' for the address of the Perth Offshore Parents Centre or for the address of your nearest DIMIA office in Australia.

[†] If an applicant is in Australia, an applicant may validly apply to the Perth Offshore Parents Centre or a DIMIA office only if they do not have a 'No Further Stay' condition (eg. 8503) attached to the visa that they hold at time of application. Parents who have had a previous application refused while they are in Australia may also be prevented from applying in Australia.

Age requirement*	Visa application charge#	Assurance of Support‡	Location of applicant when visa is granted	Visa validity period
No requirement	<ul style="list-style-type: none"> 1st visa application charge substantial 2nd visa application charge 	10 years	Outside Australia	Permanent
No requirement	<ul style="list-style-type: none"> 1st visa application charge partial 2nd visa application charge (60% of the 2nd visa application charge for Contributory Parent (Class CA–Migrant)) 	Not applicable	Outside Australia	2 years
No requirement	<ul style="list-style-type: none"> 1st visa application charge partial 2nd visa application charge (remaining 40% of the 2nd visa application charge for Contributory Parent (Class CA–Migrant)) 	10 years	Either in or outside Australia	Permanent
Must be aged	<ul style="list-style-type: none"> 1st visa application charge substantial 2nd visa application charge 	10 years	In Australia	Permanent
Must be aged	<ul style="list-style-type: none"> 1st visa application charge partial 2nd visa application charge (60% of the 2nd visa application charge for Contributory Aged Parent (Class DG–Residence)) 	Not applicable	In Australia	2 years
Must be aged	<ul style="list-style-type: none"> 1st visa application charge partial 2nd visa application charge (remaining 40% of the 2nd visa application charge for Contributory Aged Parent (Class DG–Residence)) 	10 years	In Australia	Permanent
No requirement	<ul style="list-style-type: none"> 1st visa application charge 2nd visa application charge 	2 years	Outside Australia	Permanent
Must be aged	<ul style="list-style-type: none"> 1st visa application charge 2nd visa application charge 	2 years	In Australia	Permanent

* An Aged Parent is defined in the 'Age Requirements' section of this booklet. See page 11 for details.

Where a charge is levied by DIMIA (ie. visa application charge), you can check the amount of the charge listed on form 990i *Charges* that is available in the Forms section of DIMIA's website www.immi.gov.au/allforms/990i.htm

‡ See 'Assurance of Support' on page 16 of this booklet for further details on the Assurance of Support.

Application queue

Capping and queuing

Generally, 1,000 visa places will be available in the parent category each year and up to 3,500 visa places will be available in the contributory parent category each year.

The visa numbers are controlled by a mechanism called 'capping'. Capping is used to ensure that planning levels for migration categories are not exceeded. It is used when it becomes evident that the demand for places is higher than the number of visa places available under the Migration Program.

When capping of a parent visa class occurs, your application is placed in a global queue after you have met the key legal requirements (except for lodgement of an acceptable Assurance of Support and payment of the Assurance of Support bond – see page 16, and the 2nd visa application charge – see page 17 'Costs and charges associated with your application'). To be put in a queue, you only have to meet these key requirements once and not necessarily all at the same time. You are then allocated a queue date, which is the date on which the key requirements were met.

When further visa places become available, all requirements are re-assessed and must be current at the same time. Once applicants meet all the legal criteria for the grant of the visa, visas are granted in order of the queue date allocated to an applicant.

Applicants in the parent category queue can expect a **substantial** wait before their parent visa application is finalised. However, if you apply for a contributory parent category visa, your application will proceed more quickly as there are more places available.

Applicants who have been placed in a queue can check their approximate position in that queue by using the Queue Position Calculator. This calculator is available on the DIMIA website at www.immi.gov.au/migration/family/parents/index.htm. The data is updated on a monthly basis.

Age requirements

An 'aged parent' is one who is old enough to be granted an Australian age pension. To apply for a parent visa that has the word 'Aged' in its title, only one parent needs to be aged.

Note: This does not mean you will receive the age pension in Australia if you are an aged parent. There is a waiting period of 10 years before you can receive the Australian age pension (unless there is a reciprocal agreement with another country which pays you a pension).

Qualifying ages for Australian age pension

For men – the qualifying age is 65 years.

For women – the qualifying age for women depends on their date of birth:

Date of birth	Qualifying age
Before 1 July 1935	60
1 July 1935 – 31 December 1936	60.5
1 January 1937 – 30 June 1938	61
1 July 1938 – 31 December 1939	61.5
1 January 1940 – 30 June 1941	62
1 July 1941 – 31 December 1942	62.5
1 January 1943 – 30 June 1944	63
1 July 1944 – 31 December 1945	63.5
1 January 1946 – 30 June 1947	64
1 July 1947 – 31 December 1948	64.5
1 January 1949 and later	65

Balance of family test

Note: 'Children' includes adult children.

Balance of family test

You must pass 'the balance of family' test*:

- **at least half of your children must be permanently resident in Australia; OR**
- **you must have more children permanently resident in Australia than in any other single country.**

The test is designed to measure your family links to Australia compared to your family links elsewhere.

***Note:** This test is not required in certain very limited circumstances (see page 4).

Which children are counted?

The following children are counted in the balance of family test:

- children of both parents, including children of previous marriages or de facto relationships of either parent, including adopted and step-children, and children in institutions;
- children of both parents, whether they are dependent or self-supporting, single, married or divorced; and
- children whose whereabouts are unknown, or cannot be verified, are counted as being in their parents' country of usual residence.

Note: Step-children are only counted if they are:

- a natural or adopted child of the applicant's current spouse; or
- under 18 and a natural or adopted child of a former spouse of the applicant, or a former spouse of the applicant's current spouse, and the applicant or the applicant's spouse has a legal responsibility to look after the child.

Which children are NOT counted?

Children are not counted in the balance of family test if they:

- are removed from their parents' legal custody by adoption or court order; or
- are registered by the UNHCR as refugees and live in a camp operated by UNHCR; or
- live in a country where they suffer persecution or human rights abuse and cannot be reunited with their parents in another country.

Balance of family test

Example of how the balance of family test is applied								
Total Number of children	Number permanently resident in Australia	Number permanently resident in countries other than Australia						Meets the test?
		A	B	C	D	E	F	
1	1							Yes
2	1	1						Yes
2	2	–						Yes
3	1	2						No
3	1	1	1					No
3	2	1						Yes
3	3	–						Yes
4	1	2	1					No
4	1	1	1	1				No
4	2	2						Yes
4	3	1						Yes
5	1	1	1	1	1			No
5	1	2	1	1				No
5	2	3						No
5	2	2	1					No
5	2	1	1	1				Yes
5	3	2						Yes
6	1	1	1	1	1	1		No
6	1	2	1	1	1			No
6	2	1	1	1	1			Yes
6	2	3	1					No
6	2	2	2					No
6	3	3						Yes
7	1	1	1	1	1	1	1	No
7	1	2	4					No
7	2	1	1	1	1	1		Yes
7	2	2	1	1	1			No
7	2	3	1	1				No
7	2	2	2	1				No
7	3	1	1	1	1			Yes
7	3	4						No
7	3	3	1					No
7	4	3						Yes

Sponsorship

What is sponsorship?

You and any dependants included in the application must be sponsored. The sponsor gives a written undertaking to provide support for you during your first 2 years in Australia if you apply outside Australia, or the 2 years following grant of your visa if you apply in Australia. This includes accommodation and financial assistance as required to meet your family's reasonable living needs.

The sponsor must be aged 18 years or over.

Who can sponsor me?

Generally, you must be sponsored by your child (natural, adopted or step-child) or that child's cohabiting spouse. They must be a settled Australian citizen, Australian permanent resident or eligible New Zealand citizen[†].

This generally requires that they have been resident for at least 2 years at the time you lodge your application. This will be checked again at the time a decision is made on your application.

However, there are circumstances where other people who are related to your child may be your sponsor. If your child has not turned 18 years, another person may act as sponsor as long as they have turned 18 years and are a settled Australian citizen, permanent resident or eligible New Zealand citizen[†]. These may be:

- your child's cohabiting spouse; or
- a person who is a close relative or guardian of your child; or
- a person who is a close relative or guardian of the cohabiting spouse; or
- a community organisation.

Types of community organisations that may be approved to sponsor include but are not restricted to:

- community-based organisations;
- ethnic organisations; and
- church-based groups with which the child under 18 years whose parents wish to migrate to Australia has affiliation or that are assisting the minor in settlement.

The community organisation should establish that:

- there is a relationship between it and the child under 18 years whose parents wish to migrate to Australia; and
- they are willing to support the application. For example, it could do this through the provision of a Statutory Declaration by a (local) senior member of the organisation.

Generally, an applicant cannot change their sponsor after they have lodged their parent visa application. The only exception to this is if a person is a temporary contributory parent visa holder and, whilst that visa is valid, applies for the corresponding permanent contributory parent visa. Such an applicant can change their sponsor to another eligible person between the time their permanent application is lodged and it is decided (see page 5 'Applying for a permanent contributory parent visa as a temporary contributory parent visa holder').

Additionally, where a sponsor of a holder of a temporary contributory parent visa dies, the applicant does not necessarily need to meet sponsorship requirements if the applicant has no other children available to meet sponsorship requirements.

[†]**Note:** An eligible New Zealand citizen sponsor must meet health and character criteria (see page 25).

Sponsorship form

Your sponsor must complete a sponsorship form. A copy of the appropriate form (form 40 *Sponsorship for migration to Australia*) is provided with this booklet. This form must be completed and signed by your sponsor.

Your sponsor should include with the sponsorship form:

- evidence of their relationship with you; and
- evidence that they are either an Australian citizen, permanent resident or eligible New Zealand citizen.

The form should be lodged with your application.

A sponsorship form is valid for 2 years from the time it is signed by your sponsor and if there are delays in processing your application, your sponsor may need to complete a new form.

If you are the holder of a temporary contributory parent visa and you are applying for the corresponding permanent contributory parent visa, you still need to provide a completed new sponsorship form even though your sponsor may not have changed from when you applied for the temporary visa. However, you do not need to provide a new sponsorship form if:

- you are the holder of a temporary contributory parent visa; and
- you are applying for the corresponding permanent contributory parent visa; and
- your approved sponsor for your temporary contributory parent visa has died; and
- there is no other sponsor available.

Assurance of Support

On 1 July 2004, a new Assurance of Support scheme was implemented. Under this new scheme, Centrelink has responsibility for assessing all Assurance of Support applications. Where appropriate, this also includes managing bond lodgement. For more information about this new scheme, see Centrelink's website at www.centrelink.gov.au or Fact sheet 34 *Assurance of Support*, available on the DIMIA website at www.immi.gov.au/facts/index.htm

If you have already lodged an Assurance of Support with your visa application, but as at 1 July 2004 have not been advised of the outcome, your assurer will be contacted by Centrelink to finalise the Assurance of Support.

If you need to lodge an Assurance of Support on or after 1 July 2004, your assurer will need to contact Centrelink on **132 850** about Assurance of Support procedures. Callers from outside Australia should contact Centrelink on **61 3 6222 3455**.

What is an Assurance of Support?

An **Assurance of Support** is a commitment to provide financial support to the person applying to migrate so that the migrant will not have to rely on any government forms of support. It is also a legal commitment by a person to repay to the Commonwealth of Australia any recoverable social security payments made by Centrelink to those covered by the assurance. The assurance is in force from the date of the assuree's arrival in Australia or, for those applying within Australia, the date of grant of permanent residence.

For applicants applying for a Parent (Class AX–Migrant) or an Aged Parent (Class BP–Residence) visa, the period that the assurance is in force is 2 years. For applicants applying for a Contributory Parent (Class CA–Migrant) visa or a Contributory Aged Parent (Class DG–Residence), the period that the assurance is in force is 10 years.

Assurances cover the main applicant and the family included in the application. You should not lodge an Assurance of Support or pay the assurance bond until asked to do so by Centrelink.

Your sponsor, or another person, will need to lodge an Assurance of Support before any application for parent migration can be finalised. The sponsor and the assurer do not need to be the same person.

Who needs an Assurance of Support?

All applicants applying for a permanent visa in the parent or contributory parent category require an Assurance of Support.

Giving an Assurance of Support

DIMIA will advise you in writing when you should ask your prospective assurer to lodge an Assurance of Support application with Centrelink.

For full details on who can give an assurance and the list of documents required to support this, please contact Centrelink on **132 850** from within Australia or **61 3 6222 3455** from outside Australia. Alternatively, refer to the Assurance of Support details on Centrelink's website at www.centrelink.gov.au

Costs and charges associated with your application

Listed below are some of the costs and charges which you should find out about before applying.

Where it is a charge by DIMIA (eg. a visa application charge), you can check the amount of the charge with your nearest DIMIA office or Australian overseas mission. Such charges are also listed in form 990i *Charges*. This form is available in the Forms section of DIMIA's website www.immi.gov.au/allforms/990i.htm

Application charge

Payment must accompany your application and is generally not refunded if the application is unsuccessful. This payment is known as the first instalment of the visa application charge (1st visa application charge).

Please pay by credit card or by bank cheque (drawn on an Australian bank or drawn on a bank that has representation in Australia) made payable to the 'Department of Immigration and Multicultural and Indigenous Affairs'. If you are applying at a DIMIA office in Australia, it may be possible for you to pay by debit card. **Please do not pay by cash or personal cheque.**

If members of your family unit are included in your application, only one 1st visa application charge is payable for the entire family unit. If a separate application is made by them at a later date, a separate 1st visa application charge is payable.

If you are the holder of:

- a Contributory Parent (Class UT–Temporary) visa and are applying for a Contributory Parent (Class CA–Migrant) visa; or
- a Contributory Aged Parent (Class UU–Temporary) visa and are applying for a Contributory Aged Parent (Class DG–Residence) visa,

there is a 1st visa application charge.

If you:

- lodged an application for a Parent (Class AX–Migrant) visa before 27 June 2003; **and**
- apply for either a Contributory Parent (Class CA–Migrant) or a Contributory Parent (Class UT–Temporary) visa,

there is no 1st visa application charge.

If you:

- lodged an application for an Aged Parent (Class BP–Residence) visa before 1 July 2003; and
- apply for either a Contributory Aged Parent (Class DG–Residence) or a Contributory Aged Parent (Class UU–Temporary) visa,

there is no 1st visa application charge.

Medical costs

You and members of your family unit may be required to undergo a medical, x-ray examination and HIV blood test. The cost of the examination is a matter between you and the doctor undertaking the examination.

Other costs

Before your visa is granted, you must pay a second instalment of the visa application charge (2nd visa application charge) for each person included in the application. However, there is a smaller 2nd visa application charge for a person under the age of 18 years and who is an applicant for a visa in the contributory parent category.

Note: If you are an applicant for:

- Contributory Parent (Class CA–Migrant) visa;
- Contributory Parent (Class UT–Temporary) visa;
- Contributory Aged Parent (Class DG–Residence) visa; or
- Contributory Aged Parent (Class UU–Temporary) visa;

the 2nd visa application charge is substantially more than for the Parent (Class AX–Migrant) or the Aged Parent (Class BP–Residence) visas.

Payment of the 2nd visa application charge is not required until after all other legal requirements have been met for the grant of the visa for which you applied. The charge must not be paid until after DIMIA sends you a letter requesting its payment.

In most cases you will also need to lodge an Assurance of Support bond. The Assurance of Support process is managed by Centrelink. See 'Assurance of Support' (page 16) for further details.

You should also be prepared to pay other costs associated with your application. These may include the cost of obtaining a character clearance from authorities in your own country or a character clearance from Australia if you have resided in Australia for at least 12 months or the cost of certified translations of some documents.

Dependants

Your application may cover a family unit, namely a main applicant and, if applicable, spouse and dependants.

Spouse

Your spouse is the person you live with as husband or wife, either legally married or in a de facto (common law) relationship.

Dependent children

A dependent child may be your natural, adopted or step child. 'Step-child' means a natural or adopted child of your current spouse or a natural or adopted child of your former spouse where the child is under 18 years and you have a legal responsibility to care for them (for example, where your former spouse is deceased and you have legal custody of the child). You will need to provide a certified copy of the overseas or Australian court order which you have in relation to the child.

A child of any age is not considered dependent if he or she is married or in a de facto/common law relationship or is engaged to be married.

A child 18 years or over will not be considered dependent unless you can show that they are wholly or substantially reliant on you for financial support for their basic needs of food, shelter and clothing. You must also show that you have provided that support for a substantial period and that the child is more reliant on you than on any other person or source. Unless you can provide evidence of this, they should apply separately.

Children of any age who have a total or partial loss of bodily or mental functions that stops them earning a living are regarded as dependent and part of the family unit (whether or not they migrate with you). Give details of such children whether they are in your care or in an institution.

In all cases, you should attach evidence of your child's dependency on you.

Other dependants

You may include other relatives in your application if they are wholly or substantially reliant on you for financial support for their basic needs of food, shelter and clothing and they have been reliant on you for that support for a substantial period. They must also be more reliant on you for support than on any other person or source.

A relative may also be considered dependent on you if they are reliant on you for financial support because they have a mental or physical disability which stops them from earning a living to support themselves.

Other relatives dependent on you or your spouse may include, for example, an aged, unmarried relative.

If you have dependants who are 18 years or over, please obtain a form 47A *Details of child or other dependent family member aged 18 years or over*. A form 47A must be completed for each dependant 18 years or over, whether migrating or not.

Note: If you hold a Contributory Parent (Class UT – Temporary) or a Contributory Aged Parent (Class UU – Temporary) visa and you decide to apply for the corresponding permanent visa, you should not add any dependant (eg. a spouse, a child etc.) who is not a temporary contributory parent visa holder to the permanent visa application. The only exception is where a child has been born to you, or to someone included in your temporary contributory parent visa application, after the temporary visa has been granted. This means that for any dependant who is not a temporary contributory parent visa holder, you will need to wait to be granted a permanent resident visa before you can sponsor them.

Custody requirement

DIMIA will seek to ensure that allowing a child to migrate is not in contravention of Australia's international obligations in relation to the prevention of child abduction. If your application includes a child under 18 years and the child's other parent is not migrating with you or there is any other person who has the legal right to determine where the child can live, you will need to provide a statutory declaration from each of them giving permission for the child to migrate. Alternatively, you can provide a certified copy of a valid court order showing that you/your spouse has the legal right to remove the child from the country.

Living in Australia

The following information is about some of the important things you should consider before deciding to apply to migrate to, or remain permanently in, Australia.

You should remember that it is entirely your own responsibility to investigate your settlement prospects in Australia.

Living costs in Australia

The cost of living in Australia, compared to many other countries, is high. It is essential that you think about how you would provide for yourself in Australia.

As a guide, it is estimated that in 1999 households of migrants who had lived in Australia for less than 2 years spent an average of \$930 per week supporting 3 people. It is estimated that a couple renting accommodation in Australia would need a minimum of \$365 per week to survive. A single person would need about \$225 per week.

Remember, too, if you are migrating to Australia, that the cost of relocating is high. There are significant costs involved in travelling to Australia, relocating household goods and setting up in new accommodation.

Employment in Australia

The Australian labour market is very competitive. If you are planning to find employment in Australia, you should remember that **approval to migrate, or remain permanently, does not guarantee employment**, even for applicants who are highly skilled.

In August 2003, the seasonally adjusted unemployment rate in Australia was 5.8%. Unemployment rates for recent arrivals were much higher. Migrants who arrived in the 32 months from January 2001 to August 2003 had an estimated unemployment rate of 12.6%. The unemployment rate for the recently arrived migrants born from main English-speaking countries was 6.6%, while the rate for those born in other countries was 16.3%.

To find out about your work prospects, read Australian newspapers, especially the Wednesday and Saturday editions, which have job vacancies.

For many jobs in Australia, job applicants must be able to be registered or licensed with an Australian state authority, and/or be eligible for membership of a professional or industry organisation. Before you apply to migrate to, or remain permanently in, Australia, you should find out whether any special requirements or conditions apply to jobs you might want to do.

Employment program, job search and skills recognition information is available on the following internet sites:

- Australian Government Employment portal—www.workplace.gov.au
- Department of Employment and Workplace Relations home page—www.dewr.gov.au
- National Office of Overseas Skills Recognition—www.dest.gov.au/noosr
- Other Australian Government portals (including immigration)—www.australia.gov.au

In Australia, new settlers can access Government job matching services and look at job vacancies publicly advertised in Centrelink Customer Service Centres. They can also use computers, facsimile machines, photocopiers, telephones and other employment self-help facilities provided for job search purposes.

English language tuition

Free English language tuition is available for adult migrants, that is, those persons who are 18 years or older and who have been granted a permanent visa in either the parent or contributory parent visa categories. The tuition is provided by the Australian Government to help recently arrived migrants and humanitarian entrants from non-English speaking backgrounds settle successfully in Australia.

The tuition is administered by DIMIA through the Adult Migrant English Program (AMEP) and is available to adult migrants for whom English is not the first language, and who are assessed by an AMEP Service Provider in Australia as not having the basic English skills needed to settle satisfactorily in Australia.

Clients are entitled to up to 510 hours of tuition, or the number of hours it takes to reach functional English, whichever comes first.

Clients are required to register with an AMEP Service Provider within 3 months of arrival or grant of permanent residence and start tuition within one year. Deferrals of these timeframes may be authorised. There is no time limit for completion.

For more information about eligibility and registration for English tuition and delivery locations, contact **131 881** or visit the AMEP website www.immi.gov.au/settle/index.htm

Two-year waiting period for social security payments

In general, Australian social security payments are only available to people who reside in Australia and are either Australian citizens or holders of permanent visas. In addition, most newly-arrived migrants have to live as permanent residents in Australia for 2 years before they can get most social security payments, including unemployment and sickness benefits, student allowances and a number of other payments. To be able to get age and disability pensions, you generally have to live in Australia for 10 years.

It is very important to understand that you should have enough resources to keep yourself (and your dependants) for at least the first 2 years in Australia. There is no alternative government support program for people who cannot get social security payments. You should talk to your sponsor about the support they are able and willing to provide.

Waiting period exemptions

A payment called Special Benefit may be available during the waiting period if you are in hardship because of a substantial change of circumstances beyond your control. This payment is only available in very limited circumstances. Inability to find a job or running out of money are not sufficient reasons, of themselves, to qualify for Special Benefit.

If you become widowed, disabled or a sole parent after becoming an Australian resident, you may be eligible for an allowance or pension. You may also be able to get a pension without having lived in Australia for 10 years if you are covered by an international social security agreement. Australia has social security agreements with 12 countries.

Refugee and Humanitarian Program entrants are exempt from the 2-year waiting period. Their immediate relatives (partners and dependent children) are also exempt, as long as the relationship existed at the time the Refugee or Humanitarian Program Entrant arrived in Australia.

Pensions

In general, only people who have been Australian residents for 10 years are eligible for age or disability pensions. The 10-year requirement for the Disability Support Pension does not apply to a person who becomes disabled after becoming an Australian resident. People who are covered by an international social security agreement may also be able to get a pension before having lived in Australia for 10 years.

Assistance for families with children

New migrants with dependent children may qualify for Family Tax Benefit and/or Child Care Benefit, payments that help with the cost of raising children. There is no waiting period for these family assistance payments, but you must generally hold a permanent visa in order to qualify. The amount you can receive depends on your family's size, its total income, whether you pay for child care and the type of child care you use. It is important to understand that family assistance payments are intended only as an income supplement and are not enough to live on.

Further information about social security

If you need more information about social security payments, you can write to:

Manager
International Services
Centrelink
GPO Box 273
HOBART TAS 7001
AUSTRALIA

or look on the internet site www.centrelink.gov.au

Centrelink is the agency that delivers social security payments and related services. In Australia, you can find Centrelink office locations and telephone numbers in the local telephone directory.

There is also a Centrelink Multilingual Telephone Information Service, which gives information in languages other than English about social security payments. This service can be contacted from anywhere in Australia, for the cost of a local call, on **13 1202**.

Medical costs in Australia

The Australian Government provides help with medical expenses and hospital care through a scheme called Medicare. Medicare is administered by the Health Insurance Commission (HIC), which also subsidises medicines under the Pharmaceutical Benefits Scheme (PBS). Medicare contributes towards the cost of most medical services and some services provided by optometrists. It also provides free accommodation and treatment in public hospitals if you enter a public hospital as a Medicare patient.

For further information about Medicare, you can write to:

Medicare Eligibility Section
Health Insurance Commission
PO Box 1001
TUGGERANONG ACT 2901
AUSTRALIA

or look on the internet site www.hic.gov.au

In Australia, you can telephone **13 2011** to get information about Medicare.

Many Australians belong to private health insurance funds. They cover you for treatment as a private patient in private or public hospitals and can include some services that Medicare does not cover, such as dental and optical services.

The government has introduced financial incentives aimed at encouraging people to take out private health insurance. There is a Federal Government 30% Rebate on private health insurance premiums and a 1% tax levy on high income earners who don't take out private health insurance.

There is also a new system called Lifetime Health Cover under which private health insurance funds charge different premiums depending on the age at which people first take out hospital cover.

For more information about private health insurance, you can write to:

Private Health Industry Branch
Department of Health and Ageing
GPO Box 9848
CANBERRA ACT 2601
AUSTRALIA

or look on the internet site **www.health.gov.au**

Other information about Australia

Information about services for newly-arrived migrants, useful links and multilingual State/Territory Settlement Information booklets are available via DIMIA's *Settling in Australia* website **www.immi.gov.au/settle**

PART 2

Health and character

Health

Health standards

You and all dependent family members must meet strict health standards designed to protect Australia from high health risks and costs, and overuse of scarce health resources such as organs for transplant.

Medical examination

You will be asked to undertake an examination by a doctor, selected by Australian authorities. Usually, a chest x-ray, medical examination and possibly some laboratory or specialist tests and referral to Medical Officers of the Commonwealth for final decision will be required. This can be a lengthy process and costs will be your responsibility. All members of your immediate family must meet the standards for your application to be successful. Dependants who are not planning to migrate must also be examined.

Forms for your medical examination, together with directions to listed doctors, will be provided by staff processing your migration application. If you are pregnant, you are advised not to be x-rayed until after the birth of your baby, meaning that your application may not be finished until then. Alternatively, although not preferred by the Australian Government, you may care to discuss with your radiologist the use of a lead shielded x-ray.

Health conditions of concern

In view of the World Health Organisation's declaration of a global epidemic of tuberculosis, particular care is taken to screen for this disease including stringent treatment recommendations where signs of earlier infection, however small or old, are apparent.

Australia has one of the lowest rates of tuberculosis in the world and maintains one of the strictest regimes for screening and treatment. Detection of the disease will not lead to automatic rejection, but your application may only continue after recommended treatment and successful retesting.

Other health conditions of concern are those where a person is assessed by Australian authorities as requiring treatment, support or assistance that are considered to be in short supply, or that cost a significant amount. This may differ from treatment in other countries.

DIMIA is authorised to collect information under the *Migration Act 1958*. The information you provide, including the results of tests for Human Immunodeficiency Virus (HIV), will be used to assess your health for an Australian visa. A positive HIV or other test result will not necessarily lead to a visa being denied. Your result(s) may be disclosed to the relevant Commonwealth, State and Territory Health agencies.

Doctors

Doctors may charge you fees in accordance with their usual practice. They may recommend that you undertake other treatment or specialist consultations. This may be in your own interest because listed doctors know what is required for the assessment of your examination results in Australia. Doctors must complete the examination form in English.

Basis for decision

A decision is made on, first, any detection of tuberculosis, however old or small, and then, on medical conditions which are likely to result in significant health treatment and community services costs in Australia or which may use treatment or services in short supply. Some allowance is made for normal health and welfare costs (calculated as a multiple of average annual costs for an Australian). When the Medical Officer of the Commonwealth is of the opinion that an applicant's costs are beyond these and are therefore significant, this generally leads to refusal. The cost assessment takes no regard of whether a person has or intends to take private health insurance or make other financial or nursing arrangements to lessen the claim on public funds.

There is no waiver provision for parent applicants who do not meet the health requirements.

Note: Applicants who are holders of:

- the Contributory Parent (Class UT–Temporary) visa and apply for the Contributory Parent (Class CA–Migrant) visa; or
- the Contributory Aged Parent (Class UU–Temporary) visa and apply for the Contributory Aged Parent (Class DG–Residence) visa;

will not be reassessed against health criteria, although health checks may be required in limited circumstances. These include where a person has spent a period of time in a high risk tuberculosis area since the grant of the temporary visa.

Character

To enter Australia, applicants must be of good character.

In order for the Australian Government to determine whether you are of good character, you may be asked to provide police certificates for each country you have resided in for 12 months or more over the last 10 years. In some instances, applicants may also be required to provide personal details to enable additional character checks to be undertaken.

You do not have to provide this information when you apply. You will be advised when it is required. Forms and further instructions will be provided by the office at which you lodged your application.

PART 3

Preparing your application

Forms

Complete and provide the relevant forms:

- form 47PA *Application for migration to Australia by a parent;*
- form 47PT *Application for migration to Australia by a Contributory Parent (Temporary) or Contributory Aged Parent (Temporary) visa holder.*
- form 40 *Sponsorship for migration to Australia;*
- form 47A *Details of child or other dependent family member aged 18 years or older* (for each dependant aged 18 years or older).

Note: Form 47PT is not included in this booklet. However, this form is available from DIMIA offices, Australian missions, as well as on DIMIA's website

www.immi.gov.au/forms_booklets/index.htm

Other forms may be required and will be provided by the DIMIA office at the appropriate time.

Application charge

- Charges are listed in form 990i *Charges* which is available in the Forms section of DIMIA's website **www.immi.gov.au/allforms/990i.htm**

Other documents

Other documents you must provide

Other documents you must provide are listed on the following page.

You should provide all the documents necessary to support your claims to eligibility when you make your application.

If you cannot provide all the documents when you make your application, you should tell DIMIA which documents are missing and when you expect to be able to provide them.

If you do not provide all the necessary documents, a decision may be made on the information you have provided. It is in your interest to support your application with as much information as possible at the time of application.

Certified copies

Do not supply original documents with your application. If we require an original document at any stage, we will ask for it.

You should provide 'certified copies' of original documents. This means a copy which is authorised as a true copy by a person before whom a statutory declaration may be made. Such authorised persons include the following: a magistrate, a justice of the peace, a commissioner for declarations, a commissioner for affidavits, a person before whom a statutory declaration may be made under the law of the state in which the declaration is made, a solicitor, a registered medical practitioner, a bank manager, a postal manager or a public servant (Commonwealth or State) with at least 5 years of service.

English translations

Documents in languages other than English must be accompanied by an English translation. If you are applying while in Australia, the translator must be accredited by the National Accreditation Authority for Translators and Interpreters (NAATI). If you are resident outside Australia, please contact the nearest Australian mission for information about how to get your documents translated.

We suggest you check off each of the following documents as you attach it to your application to ensure that you include all necessary documents.

You must provide the following documents with your completed application form.

- If you are in Australia, certified copies of the passports or travel documents you, your spouse and your dependants used to enter Australia, and of any passports held since then.
- Documents to prove your identity – a certified copy of your birth registration showing both parents' names. If you do not have a birth certificate or are unable to get one, you must provide a certified copy of the identification pages of at least one of the following documents:
 - passport;
 - family book showing both parents' names;
 - identification document issued by the government;
 - document issued by a court that verifies your identity.

If you are unable to provide one of these documents, you must provide other acceptable evidence that you are who you claim to be.
- 4 recent passport sized photographs (45 mm x 35 mm) of yourself and any other person included in the application. These should be only of the head and shoulders, and should show the person facing the camera and against a plain background. You should print the name of the person on the back of each photograph.
- Certified copies of birth certificates of all your children or the family book, showing names of both parents.
- Certified copies of birth certificates of all persons included in the application.
- Certified copies of documents to verify custody and access arrangements for children under 18 years of age unless both parents of the child are included in the application.
- Evidence that your sponsor is an Australian citizen, permanent resident or eligible New Zealand citizen.
- If you or anyone included in the application is or has been married, certified copies of the marriage certificate(s).
- If anyone included in the application has been divorced or widowed, a certified copy of the divorce decree absolute or the death certificate of the deceased person (as appropriate).
- If anyone included in the application has changed his or her name (for example by marriage or deed poll), a certified copy of evidence of the name change.
- Evidence of your relationship to your sponsor.
- Evidence of where all your children reside (for example passport, or citizenship or residence certificate).
- If any child included in the application is adopted, certified copies of the adoption papers.
- If you have served in the armed forces of any country, certified copies of military service record or discharge papers.

Note: If you are a temporary contributory parent visa holder and are applying for the corresponding permanent contributory parent visa, you may not need to provide all the documents listed above. You should refer to form 47PT *Application for migration to Australia by a Contributory Parent (Temporary) or Contributory Aged Parent (Temporary) visa holder*.

Lodging your application

To make a valid parent visa application, you must lodge the application at the correct address. The preferred method of lodgement is by mailing your application.

Where you lodge your parent visa application will depend on the type of parent visa for which you are applying (see table at pages 8 and 9).

- If you are residing outside Australia, you must send your application:

By mail to:

Perth Offshore Parents Centre
Locked Bag 7
Northbridge WA 6865
AUSTRALIA

or by courier to:

411 Wellington Street
Perth WA 6000
AUSTRALIA

Telephone enquiries may be directed to: 1300 652 421

E-mail enquiries may be directed to: parents@immi.gov.au

OR

- If you are residing in Australia, you should apply to the nearest DIMIA office in Australia.

New South Wales

Sydney City

Street address:
Ground Floor
26 Lee Street
Sydney NSW 2000
Postal address:
GPO Box 9984
Sydney NSW 2000
Fax: (02) 9032 4096

Parramatta

Street address:
Ground Floor
Jessie Street Centre
2-12 Macquarie Street
Parramatta NSW 2150
Postal address:
Locked Bag CC7
Parramatta NSW 2123
Fax: (02) 9893 4813

Australian Capital Territory

Street address:
Level 3
1 Farrell Place
Canberra City ACT 2601
Postal address:
GPO Box 717
Canberra ACT 2601
Fax: (02) 6248 0479

Victoria

Melbourne

Street address:
Ground Floor
Casselden Place
2 Lonsdale Street
Melbourne VIC 3000
Postal address:
GPO Box 241E
Melbourne VIC 3001
Fax: (03) 9235 3300

Dandenong

Street address:
51 Princes Highway
Dandenong VIC 3175
Postal address:
Private Mail Bag 5001
Dandenong VIC 3175
Fax: (03) 9706 7068

Tasmania

Hobart

Street address:
Level 13
188 Collins Street
Hobart TAS 7000
Postal address:
GPO Box 794
Hobart TAS 7001
Fax: (03) 6223 8247

Queensland

Brisbane

Street address:
Level 13
313 Adelaide Street
Brisbane QLD 4000
Postal address:
GPO Box 9984
Brisbane QLD 4001
Fax: (07) 3360 5006

Cairns

Street address:
19 Aplin Street
Cairns QLD 4870
Postal address:
PO Box 1269
Cairns QLD 4870
Fax: (07) 4051 0198

Southport

Street address:
Level 1
72 Nerang Street
Southport QLD 4215
Postal address:
PO Box 2868
Southport QLD 4215
Fax: (07) 5591 5402

Thursday Island

Street address:
Commonwealth Centre
Hastings Street
Thursday Island
Fax: (07) 4069 1884

Western Australia

Perth

Street address:
City Central
411 Wellington Street
Perth WA 6000
Postal address:
Locked Bag 7
Northbridge WA 6865
Fax: (08) 9415 9286

(If you are in Western Australia, and are applying for a subclass 800-series parent visa, do **not** mail to Perth Offshore Parents Centre address.)

South Australia

Adelaide

Street address:
Commonwealth Centre
Building
Level 4
55 Currie Street
Adelaide SA 5000
Postal address:
GPO Box 2399
Adelaide SA 5001
Fax: (08) 8237 6699

Northern Territory

Darwin

Street address:
Pella House
40 Cavenagh Street
Darwin NT 0800
Fax: (08) 8981 6245

PART 4

Processing visa applications

You must have a visa to travel to and stay in Australia

This information booklet explains how to make visa applications and how they are processed.

It is important that you read this information

It is important that you read this information – it may affect whether you are granted a visa or have your visa cancelled.

You should read all information and instructions about the class of visa you want. If you do not think you qualify for a visa, you may wish to reconsider whether to apply because any visa charge paid will not be refunded if you are unsuccessful.

While you may be asked to complete a number of steps during the processing of your application, it does not mean your application will be successful. Do not anticipate a successful outcome and sell your house or other property until you have been advised in writing that you have been granted a visa.

Where to get information

In Australia, you can get information about visas, charges and forms at DIMIA offices or you can call **131 881** (for the cost of a local call), or you can go to **www.immi.gov.au**. Outside Australia, you should go to **www.immi.gov.au**, or contact your nearest Australian mission.

How to apply for a visa

To make a valid parent visa application, you must:

- indicate the class of visa that you want;
- use the correct form;
- provide your residential address;
- pay the required charge (where applicable);
- satisfy any other requirements (for example, you may have to be outside Australia to apply for the visa); and
- withdraw any parent visa application that has not been decided by DIMIA.

To make a valid parent visa application, you must lodge the application at the correct address. See Part 3 in this booklet, 'Lodging your application'.

You must also:

- complete the application in English;
- answer all questions truthfully – if you provide incorrect information or documents, your visa may not be granted; and
- provide originals or certified copies of any required documents unless DIMIA advises otherwise.

Internet applications

Certain visas can be applied for via the internet. However, this is currently not the case for parent visa applications. Further information about internet applications can be found by going to **www.immi.gov.au/e_visa/index.htm**

Family members

For most visas, family members (spouses, dependent children or dependent relatives) who apply at the same time can apply on the same form and pay one first visa application charge. A child who is born after an application is made (but before it is decided) will be automatically included in the parent's application once DIMIA is notified of the details of the newborn child. In some circumstances, a spouse or dependent child can be added to an application after an application has been made, but before it is decided. However, a spouse or dependent child cannot be added to an application if the person who wishes to add a spouse or dependent child:

- is or was a temporary contributory parent holder; and
- is applying for the corresponding permanent contributory parent visa.

The only exception is where a child has been born to a person in Australia after grant of the temporary contributory parent visa, but before a decision has been made on the permanent contributory parent visa application.

Limitations on applications

If you are in Australia, you may be prevented from making further applications if, for example:

- you do not hold a substantive visa (which is any visa other than a bridging visa, a criminal justice visa or an enforcement visa) and have had a visa cancelled or refused since you last arrived in Australia;
- your last visa was granted on the condition that you would not be granted a substantive visa while you remain in Australia;
- you hold a sponsored visitor visa;
- you are in immigration detention;
- you have previously applied for a protection visa.

In these cases, DIMIA can provide you with information about which visas, if any, you can apply for.

More than one application

If you apply for more than one visa, the visa granted last will generally be the visa you have (and the visa granted first will no longer be valid). You can get advice about your situation from the office at which you lodged your application.

Communicating with DIMIA

Communication with DIMIA about your application should generally be in writing. You should send the communication to the office where you applied unless DIMIA notifies you of another address.

Withdrawal of applications

You can withdraw your application by advising DIMIA in writing at any time before a decision is made. Any charges that you paid at time of application are usually not refunded.

If you are already an applicant for a parent visa on which no decision has been made by DIMIA, you must withdraw that existing application before you can apply for any other type of parent visa. If you have applied for review of a refusal decision in relation to a parent visa application and that review application has not been finalised, you must ensure that it has been withdrawn or finalised before another parent visa can be granted. See page 5 for full details.

You must correctly identify yourself

If you communicate with DIMIA about your application, you must:

- include your name (as in your application);
- include your date of birth;
- include the DIMIA client number if it has been given to you or, if you do not have a client number, the DIMIA file number or the application receipt number;
- if your application is made outside Australia, include the name of the office where you applied.

Let DIMIA know if you change your address

If you change your residential address for more than 14 days while your application is being processed, you must tell DIMIA your new address and how long you will be there. DIMIA will send communication about your application to the latest address for correspondence you have provided.

Communication about your application can be sent to another person that you have authorised, but you will be taken to have received the communication that DIMIA sends to that person. DIMIA must be informed (in writing) of any address change for either you or your authorised person.

You may authorise another person to receive all written communication about your application by completing the relevant section of your application form. See page 34 for further details about this option.

Extra information about your application

Additional information can be provided (in writing) at any time until a decision is made on your application. All relevant information is taken into account.

If you are invited to give additional information or comment on information, you will be given a date by which to do so. After that date, DIMIA can continue processing your application. You cannot delay a decision by saying that you may or will give more information later.

Interviews

If you are invited to attend an interview, you must attend on the date and time agreed with DIMIA. If you do not, DIMIA can process your application and make a decision on the basis of the information it already has.

Invitation to comment

If another person gives DIMIA information that could result in you being refused a visa, DIMIA will generally give you an opportunity to comment on the information. You will need to comment by a set date.

Advise DIMIA if your circumstances change

If any of your circumstances change, such that any answer in your application or information given to DIMIA is no longer correct, you must inform DIMIA (in writing) as soon as practicable.

You must continue to do this until a decision is made on your application (or, in the case of a visa granted outside Australia, until you travel to Australia and are cleared by immigration). Your visa may be cancelled if you give incorrect information or fail to advise DIMIA that some information is no longer correct. However, if you advise DIMIA of the correct information before your visa is granted (or in the case of a visa granted outside Australia, before you are immigration cleared), your visa cannot later be cancelled on the basis of that incorrect information.

Visa decisions

You will be notified by DIMIA when a decision has been made on your application.

If you are refused a visa, you will be notified why you were refused and, if applicable, where you can apply for merits review of the decision. You will be notified of your time to seek review or your time to depart Australia.

When DIMIA advises you, or a person you have authorised to act and receive communication on your behalf, of the decision on your visa application, you will be taken to have received the notification:

- 7 working days after the date of the letter (if sent from within Australia to an address within Australia); or
- 21 days after the date of the letter (in any other case).

If the notification is handed to you, you will be taken to have been notified at that moment.

If the notification is faxed or e-mailed to you, you will be taken to have been notified at the end of that day.

You must abide by all conditions on your visa

If your visa is granted subject to conditions (for example, restrictions on work or study) you must abide by those conditions or your visa may be cancelled. If you wish to change those conditions or stay longer than your visa allows, contact DIMIA for information about how to do this.

If you wish to leave Australia while your application is being processed, check with DIMIA before you leave

You should inform DIMIA if you travel (either to or from Australia) during processing of your application. This is because your application may be refused if you are in the 'wrong place' when a decision is made:

- for most visas applied for in Australia, you must be in Australia when a decision is made; and
- for most visas applied for outside Australia, you must be outside Australia when a decision is made.

(In relation to parent migration, the only exception to this usual situation is where a person who is a Contributory Parent (Class UT–Temporary) holder applies for a Contributory Parent (Class CA–Migrant) visa. Such an applicant can be either in or outside of Australia at time of grant.)

In addition, if you have applied in Australia you must ensure before you leave Australia that you have a visa to return. Otherwise, you may not be able to return to Australia and, if your application is refused, you may not have a right of review.

Bridging visas

If you apply for a visa in Australia, you will usually be granted a bridging visa to keep you lawful, in case your previous visa ceases before a decision is made on your application. It will also keep you lawful if your visa is refused and you seek merits review of that decision.

However, if you wish to travel overseas, you will need to apply for a specific bridging visa to allow you to return to Australia (unless you already have another visa which allows you to return to Australia).

If you withdraw an existing parent visa application, any bridging visas you also hold will automatically cease 28 days after the application has been withdrawn. If you intend to travel and currently hold either a Bridging visa A or a Bridging visa B, you should apply for a new Bridging visa B to allow you to re-enter Australia.

Authorisation of a person to act and receive communication

You may authorise another person to receive all written communications about your application/sponsorship with DIMIA. To do this you will need to complete the sections of your application form titled *Options for receiving written communications* and *Authorised recipient details*. You can only appoint one authorised recipient at any time.

If you nominate an authorised recipient, DIMIA will send to that person any written communications relating to your application that would otherwise have been sent to you. You will be taken to have received any documents sent to that person as if they had been sent to you.

However, if you do not want the authorised recipient to receive requests for medical investigation or information about your health, or the health of your spouse or dependants, that may arise or be revealed in the course of this application, you can indicate this when you apply on the form *47PA Application for migration to Australia by a parent*.

If you decide to change the authorised recipient that you have nominated after you have lodged your application, you must promptly advise DIMIA in writing of the details of that person.

You may use form 1231 *Appointment of authorised recipient* for this purpose.

Consent to communicate electronically

DIMIA may use a range of means to communicate with you. However, electronic means such as fax or e-mail will only be used if you indicate your agreement to receiving communication in this way.

To process your application, DIMIA may need to communicate with you about sensitive information, for example, health, police checks, financial viability and personal relationships. Electronic communications, unless adequately encrypted, are not secure and may be viewed by others or interfered with. If you agree to DIMIA communicating with you by electronic means, the details you provide will only be used by DIMIA for the purpose for which you have provided them, unless there is a legal obligation or necessity to use them for another purpose, or you have consented to use for another purpose. They will not be added to any mailing list.

The Commonwealth Government accepts no responsibility for the security or integrity of any information sent to DIMIA over the internet or by other electronic means.

If you authorise another person to receive documents on your behalf and they wish to be contacted electronically, their signature is required to indicate their consent to this form of communication.

Australian Government Websites

assisting business entry and skilled migration

Commonwealth Government

Department of Immigration and Multicultural and Indigenous Affairs

www.immi.gov.au/business/title.htm

Including information on:

- business entry and skilled migration
- contacts for Australian missions overseas
- business trips to Australia

With links to:

- Australian missions overseas
- Australian Government websites
- Useful business websites

Business Entry Point

www.business.gov.au

Australian Taxation Office

www.ato.gov.au

State/Territory Governments

Australian Capital Territory

ACT Government

www.business.act.gov.au

New South Wales

Department of State and Regional Development

www.business.nsw.gov.au

Northern Territory

Department of Industries and Business

Enquiries to: migration.dib@nt.gov.au

Queensland

Department of State Development and Innovation

www.migration.qld.gov.au

South Australia

Department of Industry and Trade

www.immigration.sa.gov.au

Tasmania

Tasmanian Government

www.tas.gov.au

Victoria

Skilled Migration Unit

www.migration.vic.gov.au

Western Australia

Small Business Development Corporation

www.sbdc.com.au

Parent Migration