

# IT TAKES TWO

If you are in a committed relationship with an Australian or New Zealand citizen then you may be eligible for a partner visa...



**A**re you in love with an Australian or New Zealander? We're pretty amazing, so we don't blame you for being lured in by our laid-back charms and sun-kissed tans. We do tend to make partners swoon with our sultry language and salty Vegemite.

If you are in a committed relationship with an Australian citizen, Australian permanent resident or an Eligible New Zealand Citizen, then you may be eligible for an Australian Partner visa.

This is a pathway to permanent residence, which means the



opportunity to permanently remain in Australia with your partner and begin the route to Australian citizenship.

### VISA TYPES

There are three partner visa avenues to permanent residency and one temporary pathway for non-eligible New Zealand citizens to sponsor their partners.

There is the offshore option, Partner (Subclasses 309/100) and the onshore pathway (Partner Subclasses 820/801). There is also the Prospective Marriage visa (Subclass 300) visa and the New Zealand Citizen Family Relationship (Subclass 461) visa.

Why are there two subclasses for the onshore and offshore partner options? This is because these Partner visas are a two-stage process which you apply for at the same time. The subclass 309 and 820 are the 'temporary' stage. This is the government's way of 'testing your relationship'. If you're still together two years after submitting your visa application, then you are eligible for the permanent transition, being the subclass 100 and 801.

For the permanent stage to be approved, further documentation must be provided evidencing that the relationship is genuine, continuing and updating them on any change of circumstances. For example, you may have gotten married in Bora Bora (good on you!) or your cute triplets Archibald, Frederick and Clarisse were born.

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Some couples can skip the two-year wait period and request their permanent stage visa be approved immediately after the temporary stage visa, but this requires evidence of a "long term relationship" which is either three years evidence of being in a married or de-facto relationship or two years married or de-facto with a child to the relationship.

The Prospective Marriage visa is for those whom are already engaged. This permits you to travel to Australia and marry within nine months of arrival. After you have married, you are then eligible for the onshore Partner (Subclass

820/801) visa. The New Zealand Citizen Family Relationship (Subclass 461) visa is for those non-eligible NZ Citizens to sponsor their partner.

A non-eligible NZ citizen is aimed at those who arrived in Australia after February 2001. All those NZ Citizens who were residing in Australia prior to this date, must sponsor their partner through the Subclass 309/100, 820/801 or 300 pathways. Unfortunately, the Subclass 461 is not a permanent residency pathway, but it does reunite you with your NZ partner for five years at a time and is significantly cheaper than the permanent partner pathways.

### ARE YOU ELIGIBLE?

In order to be eligible for a Partner visa you must be sponsored by an Australian permanent resident, an Australian citizen or an eligible NZ citizen.

You must be able to prove you are in a genuine, ongoing de-facto or marital relationship to the exclusion of all others. 'De-facto' is loosely defined as residing together, in a husband and wife type relationship, for a period of at least 12 months and being able to evidence this period of co-habitation OR registering your relationship.

You must be able to prove that you have good health and character. This means providing police clearances from any country you have resided in for 12 months or more in the last 10 years and undertaking a full medical check-up,

including blood/urine testing and a chest X-ray.

Your sponsor must be eligible to sponsor you and this requires them to evidence their good character and they cannot have sponsored on multiple occasions. The restriction is limited to two sponsorships in a lifetime with at least five years between applications.

There are layers upon layers of legislation surrounding partner visas and the reason for this, is due to it being one of the most fraudulently abused systems in Australia. Lots of people have been naughty and lied about being in genuine



Seek expert advice to ensure your visa application (above) is a success

relationships, so the Government has tightened up the law relating to these visas. Whilst the process may look very straight forward, there is lots of sneaky complexity to the scheme.

### COMPILING YOUR EVIDENCE

Partner visas are now costing applicants A\$7,000 and they have extremely lengthy processing times. This has increased exponentially over the years as the Australian Government have adopted a 'you can't put a price on love' approach and keep increasing the fee!

Bearing this in mind, it emphasises the importance of submitting an accurate application. It is not simply a matter of providing a few snaps of your loved-up holiday in Mykonos or receipts from all the bouquets of flowers he obviously sends you weekly. It is evidencing the nitty gritty of relationships, your finances, how you run your household and your commitment to one another.

It is not just the social activities and holidays away together, it's about demonstrating you are in a genuine and continuing married or de facto relationship to the exclusion of all others.

The assessing officers at the Department of Immigration and Border Protection (DIBP) want to see hardcore relationship documents, like joint bank accounts, joint cohabitation documents, etc. They



essentially want to see that you have moulded into one person (not in a Lord Voldemort and Professor Quirrell way) but that the important facets of your life together are mutually shared.

Of course, the social activities are important too, and evidencing you socialise as a couple is essential to your application, but often couples put too much emphasis on their photo albums and Facebook posts and do not provide enough of the strong "until death do us

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part" commitment evidence.

The DIBP do understand (to a point) that we are living in a different generation and not every couple has joint bank accounts, or joint bills, but if this is the case then other evidence showing you are financially committed and residing together will need to be provided.

### PROCESSING TIME

As mentioned, processing times are extremely lengthy and they are only getting longer (what a massive surprise that governments take time to process your applications, eye roll!). Due to this, it

is absolutely essential that a professional, thorough application is lodged with the DIBP that meets legislative requirements for an efficient turnaround time.

If the assessing case officer has to request even one document from you, your application can get lost in a black hole, as in, you'll see Mars before seeing a decision made on your visa application, before it is reallocated for assessment by a second case officer. On top of this, they can even request further information again, which

to request more documentation from you. Partner applications can be lodged onshore or offshore, as specified in their subclasses above.

Applications are best lodged electronically, although you can lodge them as paper based applications. It is worth bearing in mind that priority is generally given to online applications first. This means you'll receive higher priority for your application and you've saved that elm tree in your backyard. Let's get digital.

Partner visa pathways are a sure-fire way to ensure you are reunited with your betrothed, so if you believe you are eligible, do look into this now. Here's a bit of insider gossip – more changes to Australia's partner visa scheme are expected in the coming 12 months.

So, if you're in a relationship with an Australian or eligible NZ citizen, perhaps it's time to have 'The Talk' and shimmy on down to Oz. 🇺🇸



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