

Amendments to various Parent Category Visas

From 27 March 2010, the *Migration Regulations* 1994 (“The Regulations”) have been amended to:

- allow certain applicants for a Contributory Parent (Migration)(Class CA) visa and Contributory Aged Parent (Residence) (Class DG) visa to add their spouse, de facto or dependent child to their visa application after it is made but before it is decided;
- allow member of the family unit of an applicant in Australia at the time of application for a:
 - Contributory Parent (Migrant)(Class CA) in circumstances;
 - Contributory Aged Parent (Residence)(Class DG); or
 - Contributory Aged Parent (Temporary)(Class UU);

visa to be able to make an application for the visa after the Primary applicant has applied, and before a decision has been made on the Primary applicant’s application.

In order to make an application, the Primary applicant must appear to satisfy at the “time of application” criteria on the basis of the information in the application;

- provide that applicant’s making an application on the basis they are claiming to be a member of the family unit of a person who is an applicant for a Contributory Parent (Migrant)(Class CA) visa must be made in the same way as the application made by the Primary applicant and may be made at the same time and place as, and combined with the application made by the Primary applicant;
- provide that an applicant seeking to satisfy the criteria for a Subclass 143 Contributory Parent visa:
 - who is the member of the family unit of a person who is the holder of a Contributory Parent (Temporary)(Class UT) visa; and
 - did not make a combined application with the person who satisfies the primary criteria;

may be in or outside Australia, but not in immigration clearance when the visa is granted;

- enable certain applicants who seek to satisfy the criteria for a Subclass 864 – Contributory Aged Parent visa to remain eligible for the grant of the visa even if their sponsoring child has died. These applicants will not be required to be sponsored to meet certain time of application criteria if their sponsoring child has died;
- change/select time of decision criteria for a Subclass 864 – Contributory Aged Parent visa to ensure that applicants who, at one point, held a substituted Subclass 676 visa can continue to meet the time of application criteria at the time of decision;
- enable an applicant who is seeking to satisfy the criteria for a:
 1. Subclass 103 – Parent;
 2. Subclass 143 – Contributory Parent;
 3. Subclass 173 – Contributory Parent (Temporary);
 4. Subclass 804 – Aged Parent;
 5. Subclass 864 – Contributory Aged Parent; or
 6. Subclass 884 – Contributory Aged Parent (Temporary);

visa who is a parent of a child who has not turned 18 to be sponsored by a “relative” of the child or in certain circumstances a “relative” of the child’s spouse rather than a “close relative” that was provided by the Regulations before 27 March 2010;

- reduce any potential abuse of the Subclass 804 – Aged Parent Visa;
- ensure time of application criteria is consistent with the time of decision criteria in a Subclass 804 – Aged Parent visa by requiring that an applicant who is not the holder of a substituted Subclass 676 visa must be an “Aged Parent” at the time of application rather than a “Parent” that was provided for in the Regulations before 27 March 2010.

If you require any further information in relation to this issue, please contact David Stratton, Helen Zheng or Ryan Curtis-Griffiths.

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