

PARENT VISA “UPDATE”

Overview

There are two visa categories for parents wishing to migrate to Australia:

- the parent category
- the contributory parent category.

To apply for any parent or contributory parent visa, you must be the parent of an Australian citizen, Australian permanent resident or eligible New Zealand citizen, who is ‘settled’ at the time the application is lodged. You must also satisfy the “balance of family” test.

The core requirements for both the parent category and the contributory parent category are similar. However there are key differences. These are:

- applicants in the contributory parent category have significantly shorter waiting periods for applications to be finalised
- visa applications in the contributory parent category are accorded a higher priority for processing
- applicants for a contributory parent visa pay a substantially higher second visa application charge (per person) and a larger “assurance of support” (AoS) bond (with a longer AoS period).

Contributory Parent Category visas

The contributory parent category comprises:

For elderly applicants applying in Australia

- Contributory Aged Parent (Migrant) (subclass 864) visa
- Contributory Aged Parent (Temporary) (subclass 884) visa.

For other applicants

- Contributory Parent (Migrant) (subclass 143) visa

- Contributory Parent (Temporary) (subclass 173) visa.

Permanent and temporary Contributory Parent visas

A parent can apply for either a permanent or a temporary contributory parent visa. The temporary visa is valid for two years and provides access to Medicare and full work rights. A temporary Contributory Parent visa cannot be extended or renewed.

A temporary Contributory Parent visa holder can then apply for the corresponding permanent contributory parent visa in Australia or overseas at any time during the two year validity of their temporary visa.

Holders of a temporary Contributory Parent visa who apply for the corresponding permanent visa during the two years obtain certain concessions, such as:

- completing a shorter application form, Form 47PT Application for migration to Australia by a Contributory Parent (Temporary) or a Contributory Aged Parent (Temporary) visa holder
- paying a substantially reduced first visa application charge on lodgement of the permanent visa application
- not being re-assessed against the balance of family test
- generally not being required to undergo further health checks.

If a person **does not** apply for the permanent visa before the expiry of their temporary Contributory Parent visa, they do not get the benefit of these concessions.

A person who is the holder, or has been the holder of, a temporary Contributory Parent visa since last entering Australia can make a valid application for only a very limited range of visas:

- the corresponding permanent Contributory Parent category visa
- a Medical Treatment visa
- a Protection visa.

Age requirements

The primary applicant must satisfy the aged requirement for both Contributory Aged Parent (Residence) (subclass 864) visa or Contributory Aged Parent (Temporary) (subclass 884) visa applications. An 'aged' parent is one who is old enough to be granted the Australian aged pension.

Lodging contributory parent visa applications

Contributory Aged Parent visa applicants must be in Australia to lodge their application **and** for a visa grant.

Contributory Parent (Temporary) (subclass 173) visa applicants must lodge their applications outside of Australia and must be outside of Australia for a visa grant. If granted a visa, Contributory Parent (Temporary) visa holders can lodge a permanent Contributory Parent (subclass 143) visa application either in or outside of Australia. They can be in or outside Australia for visa grant.

All other applicants for a Contributory Parent (Migrant) (subclass 143) visa must lodge their application outside of Australia and be outside of Australia for visa grant. They are not eligible to obtain a bridging visa to remain lawfully in Australia while their Contributory Parent (Migrant) (subclass 143) visa is being processed.

Applicants are not able to lodge an application while they are in Australia if they are barred from doing so. Applicants may be barred if they have a condition 8503 'No Further Stay' on their current visa, or if they do not hold a substantive visa and have been refused the grant of a visa since last entering Australia.

Balance of family test

The balance of family test requires that at least half of your children live permanently in Australia, or that more of your children live permanently in Australia than in any other country.

In order to count as living permanently in Australia, your children must be:

- Australian citizens
- Australian permanent residents who are usually resident in Australia
- eligible New Zealand citizens who are normally resident in Australia.

The test is designed as an objective measure of a parent's ties to Australia. No assessment is made about the nature of the parent and child relationship.

Sponsorship

All applicants for parent migration must be sponsored. At the time the visa application is made, the sponsor must be a 'settled' Australian citizen, Australian permanent resident or eligible New Zealand citizen who is settled. 'Settled' means a person must have been a resident in Australia for a reasonable period, which under policy is usually two years.

If the child of the parent is 18 years or older, then the parent can be sponsored by that child or by that child's cohabiting partner.

If the child has not turned 18, applicants may be sponsored by the cohabiting partner of their child if the partner has turned 18 years of age, a relative or guardian of their child, or a community organisation.

Public interest criteria

Each parent and all dependent family members included in an application, must satisfy certain public interest requirements. This includes meeting the health and character requirements.

Capping and queuing

All contributory and non-contributory parent visas are subject to capping. Capping is the number of visas set by the minister for a class for that program year has been reached, no further visas can be granted in that class in that program year. All parent visas are subject to capping.

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