



Contributory Parent Visas

A new Parent visa, called the Contributory Parent visa, was introduced in 2003 and was designed to “fast track” applications for Permanent Residence by parents of Australian citizens or Permanent Residents who were prepared to pay a significant application fee and security bond.

The number of visa places available in any year is capped by the Government and due to this, and the increase in the popularity of the visa, applications can now take up to two years to process.

There are two streams of Contributory Parent visas. These are:

- *Contributory Parent visa;*
- *Contributory Aged Parent visa.*
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The Contributory Aged Parent visas are only available to an “aged parent”, defined as a parent who is old enough to be granted an aged pension under the Social Security Act 1991. A Contributory Aged Parent visa can only be applied for whilst in Australia.

Applicants who apply for this visa while in Australia are entitled to a bridging visa, meaning that once the visa they entered Australia expires, they will be entitled to remain in Australia until a decision is made in relation to the Aged Parent application. Processing of this visa is generally quicker than is the case for the Contributory Parent scheme because there are relatively fewer applications.

Both streams of the Contributory Parent visas enable applicants to either apply directly for the Permanent visa or break the processing down into a two stage process thereby enabling applicants to spread the visa application charges out over an extended period.

If applicants do apply for the two stage visa, the second stage – that is the Permanent visa – must be applied for within two years of the date of grant of the Temporary visa, and there is no provision to enable applicants to extend the term of the Temporary visa beyond two years.

Applicants for the Temporary visa must undergo a full health examination prior to the visa being granted. Generally speaking no further medical examination will be required in respect of the second stage application, although the Department of Immigration reserves the right to require further examinations if it becomes apparent that there may have been some significant changes in the applicants condition since the date of grant of the Temporary visa.

Irrespective of whether the ultimate application is for the Aged Parent Contributory visa or the Contributory visa, in general terms, it is necessary to establish that the applicant is:

1. A parent of a person who is a “settled” Australian citizen or Permanent Resident. Usually the Department of Immigration like to see at least two years of residence in Australia by the sponsor accompanied by documentary evidence supporting the claim that the resident is “settled”. This might include contracts of employment, proof of ownership of real estate, children enrolled in schools, membership of clubs etc.
2. The natural parent, step parent or parent by adoption of a settled Australian citizen, Permanent Resident or an eligible New Zealand citizen.
3. Sponsored by their child.
4. Able to pass the balance of family test. To pass this test:
 - a. At least half of the parents children must live in Australia; or
 - b. More children must live in Australia than any other single country.
5. Able to meet health, character and public interest requirements.

The sponsor must:

- Be an Australian citizen, Permanent Resident or an eligible New Zealand citizen.

To be approved as a sponsor:

- Usually be eighteen or over.
- Be the natural child, step child or adopted child of the applicant or the spouse.
- Be settled in Australia.
- Arrange an Assurance of Support (when called on to do so by the Department of Immigration).
- Arrange for payment of a refundable social security (Assurance of Support) bond of \$10,000 for one adult and \$14,000 if there are two adults on the same visa application).

An Assurance of Support is an agreement between the assurer and the Australian Government whereby the assurer agrees to support the migrants so that they do not have to rely on payments from Centrelink. These include:

- Austudy payment.
- Newstart allowance.
- Parenting payment.
- Sickness allowance.
- Special benefit.
- Widow allowance.
- Youth allowance.

Nevett Ford Lawyers has considerable experience in all aspects of Contributory Parent visa applications.

Please feel free to contact David Stratton, Ryan Curtis-Griffiths or Helen Zheng, Lawyers in our Migration Law Work Group, if you require further information in relation to this issue, or if you require legal advice regarding any other migration law matter.

Contact:

David Stratton Director T: 03 9614 7111	Helen Zheng Lawyer T: 03 9615 4325	Ryan Curtis-Griffiths Lawyer T: 03 9615 4309
email: dstratton@nevetford.com.au	email: hzheng@nevetford.com.au	email: rcurtisgriffiths@nevetford.com.au
Registered Migration Agent 58007	Registered Migration Agent 3327	Registered Migration Agent 741735

Melbourne office

Level 42 South Tower Rialto
525 Collins Street
Melbourne Victoria 3000

T 03 9614 7111

F 03 9614 3192

email:

melbourne@nevetford.com.au

Ballarat office

40 Armstrong Street North
Ballarat Victoria 3350

T 03 5331 4444

F 03 5333 2694

email:

ballarat@nevetford.com.au

Bacchus Marsh office

127 Main Street
Bacchus Marsh Victoria 3340

T 03 5367 1033

F 03 5367 4991

email:

bacchusmarsh@nevetford.com.au

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