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Special Migration



Australian Government
Department of Immigration
and Citizenship

About this booklet

This booklet is designed so that you can understand the steps for applying for **Special 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 www.immi.gov.au

Using a migration agent

You do not need to use a migration agent to lodge a visa application. However, if you choose to use an agent, the department recommends that you use a 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 or exempt from registration (see page 25).

All registered migration agents are bound by the Migration Agents Code of Conduct, which requires agents to act professionally in their clients' lawful best interests. 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:

E-mail: themara@themara.com.au

PO Box Q1551
QVB NSW 1230
AUSTRALIA

Telephone: 61 2 9299 5446

Fax: 61 2 9299 8448

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. The Code of Conduct and complaint form are available from the MARA website.

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Department of Immigration and Citizenship

www.immi.gov.au

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Terms you need to know

Applicant	The applicant is the person (or persons) applying to migrate or remain permanently in Australia.
Australian mission	An Australian Embassy, High Commission, Consulate or Consulate-General or Australian Trade Commission.
De facto partner	A person is the de facto partner of another person (whether of the same sex or a different sex) if the person is in a de facto relationship with the other person.
De facto relationship	<p>A person is in a de facto relationship with another person if:</p> <ul style="list-style-type: none">• they are not in a married relationship (for the purposes of the <i>Migration Act 1958</i>) with each other;• they are not related by family;• they have a mutual commitment to a shared life to the exclusion of all others;• the relationship between them is genuine and continuing;• they live together or do not live separately and apart on a permanent basis; and• the relationship has continued for the period of 12 months immediately preceding the date of application. <p>Note: The 12-month relationship requirement at time of application lodgement does not apply if you can establish that there are compelling and compassionate circumstances for the grant of the visa.</p>
Department	Department of Immigration and Citizenship.
Domiciled	The country in which you are domiciled is the country in which you permanently live.
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.
Married relationship	<p>Persons are in a married relationship if:</p> <ul style="list-style-type: none">• they are married to each other under a marriage that is valid for the purposes of the <i>Migration Act 1958</i>;• they have a mutual commitment to a shared life as husband and wife to the exclusion of all others;• the relationship between them is genuine and continuing; and• they live together or do not live separately and apart on a permanent basis.
Migrate	If you apply from outside Australia, you will be applying to migrate. If you are applying in Australia, you will be applying for permanent residence. In this booklet the term 'migrate' will cover both.
Nominator	The Australian relative who nominates an applicant for permanent residence in Australia.

Terms you need to know (continued)

Office of the department	An office or regional office of the Department of Immigration and Citizenship in Australia.
Partner	A spouse or de facto partner.
Sponsor	The Australian relative who undertakes sponsorship obligations for an applicant.
Spouse	A person is the spouse of another person if they are in a married relationship.
Substantive visa	A substantive visa is any visa other than a bridging visa or criminal justice visa.

PART 1

Categories and general information

Categories

This booklet covers the 2 categories for special migration to Australia described below.

If any of these suit your circumstances, go to 'Basic requirements' on the next page to decide whether you are eligible to apply.

• Distinguished talent

You must have an internationally recognised record of exceptional and outstanding achievement, and still be prominent in a profession, the arts, sport, or research and academia, be an asset to the Australian community, and have no difficulty in obtaining employment or in becoming established independently in Australia in a profession, the arts, sport, or research and academia.

If you are aged below 18 or above 55 years of age, you must, in addition to meeting the above criteria, provide evidence that you would be of exceptional benefit to the Australian community in the future.

You must be nominated by an Australian organisation, an Australian citizen, an Australian permanent resident, or an eligible New Zealand citizen.

• Former resident

You must be a former Australian permanent resident either having spent at least 9 of your first 18 years in Australia and wish to resettle in Australia; or you have at any time prior to 19 January 1981 completed 3 months service in the Australian Armed Forces.

Basic requirements

Following are the basic requirements for each category. There are other requirements you must meet (listed in the Migration Regulations) and you should obtain this information or seek advice before you apply.

• Distinguished Talent

Applicants for Distinguished Talent must demonstrate that they:

- have an internationally recognised record of exceptional and outstanding achievement, and are still prominent in a profession, the arts, sport, or research and academia;
- would be an asset to the Australian community (eg. be able to show how their settlement in Australia could contribute economically, socially or culturally to the nation as a whole – not just a local community);
- would have no difficulty in obtaining employment or in becoming established independently in Australia in a profession, the arts, sport, or research and academia (eg. be able to establish a viable business in Australia); and
- would not be financially dependent on the Australian community.

If the visa applicant for Distinguished Talent is aged below 18 or above 55 years of age, that person, in addition to meeting the above criteria, must provide evidence that they would be of exceptional benefit to the Australian community.

If the main applicant is aged under 18 years, they can include a parent, and the family unit of that parent, in their application.

All applicants for a Distinguished Talent visa must have a nomination from an Australian citizen, or an Australian permanent resident, or an eligible New Zealand citizen, or an Australian organisation. That person or organisation – the nominator – must have a **national reputation** in relation to the visa applicant's field of expertise. The nominator should attest to the applicant's international standing in their field.

The nominator should complete form 1000 *Nomination for Distinguished Talent*, provided with this booklet, and include a comprehensive statement of their standing in that field. The completed form 1000 **must** be lodged together with and at the same time as the visa application.

In addition, all visa applicants must meet the mandatory health and character requirements.

Note: Employers who are considering nominating a person for a skilled, full-time position in Australia should first consider the Employer Nomination Scheme or Regional Sponsored Migration Scheme.

• Former resident

Applicants **living outside Australia** must either demonstrate that they:

1. are a former Australian permanent resident who has spent at least 9 of their first 18 years in Australia and wish to resettle in Australia. Have maintained business, cultural or personal ties with Australia and be under the age of 45 at time of lodging their application, or
2. have:
 - (a) at any time prior to 19 January 1981 completed 3 months service in the Australian Defence Forces (but not as a member of the Reserve Defence Force or the Emergency Defence Force) of the Commonwealth; or
 - (b) undertaken national service by virtue of a notice under section 26 of the *National Service Act 1951* (national service provision) as in force at any time before 26 November 1964; or
 - (c) been discharged from such service as being medically unfit by reason of such service before completing 3 months service.(Members of the armed forces of another country seconded to Australia are not eligible unless they held permanent residence.)

Applicants **living in Australia** must either demonstrate that they are not the holder of a transit visa but are a holder of a substantive visa or have made a valid visa application within 12 months after the day they last entered Australia without a substantive visa, or 12 months after their last substantive visa expired and:

1. are a former Australian permanent resident who has spent at least 9 of their first 18 years in Australia and wish to resettle in Australia. Have maintained business, cultural or personal ties with Australia and be under the age of 45 at time of lodging their application, or
2. have:
 - (a) at any time prior to 19 January 1981 completed 3 months service in the Australian Defence Forces (but not as a member of the Reserve Defence Force or the Emergency Defence Force) of the Commonwealth; or
 - (b) undertaken national service by virtue of a notice under section 26 of the *National Service Act 1951* (national service provision) as in force at any time before 26 November 1964; or
 - (c) been discharged from such service as being medically unfit by reason of such service before completing 3 months service.(Members of the armed forces of another country seconded to Australia are not eligible unless they held permanent residence.)

It is in your interest to provide all the documents requested 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.

Costs and charges

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

Visa Application Charge

Payment must accompany your application and is generally not refunded if the application is unsuccessful.

Fees may be subject to adjustment at any time. Visa Application Charges may be subject to adjustment on 1 July each year. This may increase the cost of a visa.

To check the Visa Application Charge, see form 990i *Charges* available from the department's website www.immi.gov.au/allforms/990i.htm or check with the nearest office of the department.

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

If you are applying for a Distinguished Talent visa, members of your family unit cannot apply separately at a later date unless they also meet all of the Distinguished Talent visa criteria.

Method of payment

In Australia

To make a payment, please pay by credit card, debit card, bank cheque or money order made payable to the Department of Immigration and Citizenship. Debit card and credit card are the preferred methods of payment.

Outside Australia

Before making a payment outside Australia, please check with the Australian Government office where you intend to lodge your application as to what methods of payment and currencies they can accept and to whom the payment should be made payable.

Second instalment

If you applied from **outside Australia** and you or any person over the age of 18 included in your application has been assessed as not having functional English, a second instalment may be requested by the department.

Medical costs

You and members of your family unit will be required to pay for a medical examination. The cost of the examination is a matter between you and the doctor undertaking the examination.

Other costs

You should also be prepared to pay other costs associated with your application, such as those required to obtain a character clearance from authorities in your own country, and the cost of certified translations of some documents.

Dependants

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

If an application is made under the Distinguished Talent category, and the main applicant is aged under 18 years, they can include a parent, and the family unit of that parent in their application.

Partner

Your partner is your spouse or de facto partner.

Dependent children

A dependent child may be your child or step-child.

'Step-child' means a child of your current partner or a child of your former partner when the child is under 18 years and you have a legal responsibility to care for that child (for example, when your former partner is deceased and you have legal custody of your former partner's 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 relationship or is engaged to be married.

A child 18 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.

You should attach evidence of your child's dependency on you.

Children of any age who have a total or partial loss of bodily or mental functions which 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.

Other dependants

You may include other relatives in your application if they are usually resident in your household and 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 partner may include, for example, an aged, unmarried relative.

If you have dependants who are 18 or over, please obtain 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 or over, whether migrating or not.

Custody requirement

The department 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 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 partner 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. The information provided here is a general guide only and it is entirely your own responsibility to investigate your settlement prospects in Australia.

Cost of living in Australia

The cost of living in Australia, compared to many other countries, is high. It is essential that you think about how you will provide for yourself and your family for at least the first 2 years. Do not assume you will find a job quickly.

The cost of relocating is high. There are significant costs involved in travelling to Australia, moving household goods and setting up a new home.

Two-year waiting period for social security

Most newly arrived migrants have to live as permanent resident visa holders in Australia for 2 years before they can get most social security payments. These include unemployment assistance (Newstart Allowance or Sickness Allowance), student assistance (Austudy or Youth Allowance) and other assistance such as a Health Care Card. To be eligible for Age and Disability pensions, you generally have to live as a permanent resident visa holder in Australia for 10 years.

It is very important to understand that you should have enough money to support yourself (and your dependants) for at least your first 2 years in Australia. If you have a sponsor or an assurer, you should ask them, prior to your arrival in Australia, about the support they are willing and able to provide.

Waiting period exemptions

A payment called Special Benefit may be available during the waiting period, if you are in hardship because you have suffered 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 to qualify for Special Benefit.

If you become widowed, disabled or a single parent after commencing to live in Australia as a permanent resident visa holder, 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. As at 4 May 2007, Australia has social security agreements with 18 countries.

If you are a migrant who is a refugee, or a partner or a dependent child of a refugee; an Australian citizen, or a partner or a dependent child of an Australian citizen; or a permanent resident who has lived in Australia for 2 years at any time, you may be exempt from the two-year waiting period for most social security payments.

A payment called Carer Payment may also be available during the waiting period if you are providing constant care.

Help for families with children

New migrants with dependent children may be able to receive Family Assistance payments to help with the cost of raising children. Generally, you must hold a permanent visa in order to be eligible, but there are some exceptions. There is no waiting period for these payments. Family Assistance payments are intended only as an income supplement and do not provide enough to live on. There are 3 Family Assistance benefits. They are Family Tax Benefit Part A, Family Tax Benefit Part B and Child Care Benefit. The amount of Family Tax Benefit you may be entitled to depends on the age and number of children in your family and on your family's total annual income over the current income year. Child Care Benefit may be paid to help with the cost of putting your child into child care. The amount you may receive will depend on your family's annual income over the current income year, the type of child care you choose and how many hours of child care services you use.

There are also 2 other forms of extra assistance for families with babies. Maternity Payment provides money to help with the extra costs of a new baby. Maternity Immunisation Allowance is a separate payment for families with children who have been fully immunised between 18 and 24 months of age or are exempt from the immunisation requirements.

The Family Assistance Office can help you with details about Family Assistance payments. You can find more information on the website **www.familyassist.gov.au**. In Australia, you will find the Family Assistance Office in all Medicare offices, Centrelink Customer Service Centres and the Australian Taxation Office (ATO) shopfronts. Further information can be obtained from:

Website: **www.familyassist.gov.au**
 Telephone: 136 150 (in Australia)
 131 202 (for information in languages other than English)

Further information on social security

Centrelink contributes to the social and economic outcomes set by government by delivering services to assist people to become self-sufficient and supporting those in need. There are many rules which affect all Centrelink administered entitlements. The information provided here is a general guide only and you must discuss your specific needs with Centrelink.

You can find Centrelink offices and telephone numbers in the local telephone directory, or call 131 021 to make an appointment. You can speak to Centrelink staff and have your questions answered in languages other than English by calling 131 202. This is not an interpreter service. Calls to 13 numbers are charged at the cost of a local call from anywhere in Australia. Calls from public pay phones or mobile phones may be charged at a higher rate.

More information about social security payments or international agreements before arriving in Australia can be obtained from:

Website: **www.centrelink.gov.au**
 Mail: Manager
 International Services
 Centrelink
 GPO Box 273
 HOBART TAS 7001
 AUSTRALIA
 Telephone: 131 021 (to make an appointment)
 131 202 (for information in languages other than English)
 61 3 6222 3455 (outside Australia)

Health

The Australian Government provides help with medical expenses and hospital care through a scheme called Medicare. The government also subsidises the cost of most medicine under the Pharmaceutical Benefits Scheme (PBS). Medicare and the PBS are administered by Medicare Australia.

To find out if you are eligible, and to enrol in Medicare, visit your local Medicare office with your passport, travel documents and permanent visa. If you are not already the holder of a permanent visa, you will also need to provide details of any permanent visa/migration applications you have lodged.

Most temporary visa holders are not eligible to enrol in Medicare, but there are some exceptions, for example people who have applied for a permanent visa and meet the necessary criteria. You should visit your local Medicare office to find out if you are eligible. If all eligibility requirements are met, you may be advised of your Medicare card number and your card will be posted to you in about 3 weeks. In most cases, you will pay for medical care then receive a refund for some of the payment.

Medicare Australia also administers the Australian Childhood Immunisation Register. If you have a child, please make sure that you bring their immunisation records to help your doctor in Australia determine if their immunisation is up-to-date. This is a requirement for some government payments.

Medicare Australia also administers the Australian Organ Donor Register (the Donor Register). People who are aged 18 years of age or more can register their consent (or objection) on the Donor Register. For people with serious or life-threatening illness, organ or tissue transplantation may mean a second chance at life.

In addition, Medicare Australia also provides help with Family Assistance payments and services. Some of the payments available at your local Medicare office include Family Tax Benefit, Child Care Benefit, Maternity Payment and Maternity Immunisation Allowance.

Medicare Australia has an information kit which is translated into 18 languages and is available in English large print, Braille and on audio CD. The kit has information about Medicare Australia's services and explains the eligibility requirements for benefits and payments. A copy of the kit is available from Medicare Australia's website, your local Medicare office or Migrant Resource Centre.

For more information:

Website: **www.medicareaustralia.gov.au**

E-mail: info@medicareaustralia.gov.au

Telephone

(in Australia): 132 011* – Medicare
1800 020 613** – Pharmaceutical Benefits Scheme
1800 653 809** – Australian Childhood Immunisation Register
1800 777 203** – Australian Organ Donor Register
1800 552 152** – Hearing and speech impaired
131 450* – Translating and Interpreting Service

Mail: Medicare Eligibility
Medicare Australia
PO Box 1001
TUGGERANONG DC ACT 2901
AUSTRALIA

* Call charges apply

** Call charges apply from mobile and pay phones only.

Private health insurance

Many Australians have private health insurance. This covers some or all of the cost of treatment as a private patient in private or public hospitals, and can extend to some services that Medicare does not cover, such as dental and optical services.

The Australian Government has introduced financial incentives aimed at encouraging people to take out private health insurance, such as a 30% rebate on private health insurance premiums (and higher rebates for people aged 65 years and over), and an additional 1% tax levy on people who earn more than AUD50,000 per year and who don't take out private health insurance (Medicare Levy Surcharge). A person must be eligible for Medicare to receive the 30% rebate on private health insurance.

To encourage people to take out hospital cover at an early age, the government introduced the Lifetime Health Cover scheme. If a person takes out hospital cover after 1 July following their 31st birthday, they will pay more for the same level of cover than a person who took out cover before the 1 July following their 31st birthday. The cost increases by 2% for each year that a person delays taking out cover.

Special conditions apply for new migrants who arrive in Australia after 1 July following their 31st birthday. Migrants do not pay an increased cost if they purchase private hospital cover before the first anniversary of the day they became eligible for Medicare. It is important to consider taking out hospital cover in the first year after you become eligible for Medicare. Any delay may increase the cost of your cover as the price may also include an additional amount of Lifetime Health Cover 'loading'.

More information about private health insurance can be obtained from:

Website: www.health.gov.au/internet/wcms/publishing.nsf/Content/private-1

E-mail: privatehealth@health.gov.au

Mail: MDP 86
Department of Health and Ageing
GPO Box 9848
CANBERRA ACT 2601
AUSTRALIA

Employment in Australia

The Australian labour market is very competitive. Employment in Australia depends on economic factors, the type of work sought and specific circumstances which may affect the availability of work in different parts of the country. **Approval to migrate does not guarantee a job**, even for applicants assessed as highly skilled and certainly not for their dependants.

As at March 2007, the trend unemployment rate for Australia was 4.5%. Unemployment rates for recently arrived migrants tend to be much higher. Migrants who arrived in the period from January 2001 to March 2007 had an estimated unemployment rate of 7.8% (original data). Of these, migrants born in the main English-speaking countries had an unemployment rate of 4.3%, while those born in other countries had a rate of 9.9%.

Generally, migrants who have had more time to settle in Australia have lower unemployment rates. Similarly, those who enter Australia under the Skill Stream have lower unemployment rates than those entering under other categories.

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

Before leaving for Australia you should find out if any special requirements or conditions apply to the work you wish to do. For many jobs in Australia, 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.

You should find out if any registration or licensing requirements apply to your job. Dependants should make similar enquiries about their job prospects, whether or not they intend to seek work immediately on arrival.

Migrants who do not have a job should register with Centrelink as soon as possible after arrival. As most newly arrived migrants are generally not eligible for income support payments for 2 years, they may only have access to a limited range of government-funded job search support services through Job Network members. However, migrants who are permanent residents and who meet other eligibility criteria may be able to access the full range of Job Network services.

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

- Australian Jobsearch (for information on jobs, employment prospects, skills shortages and careers in Australia)
www.jobsearch.gov.au
- Australian Workplace (for information on the Australian workplace)
www.workplace.gov.au
- Skilled Migrant (for primary applications in selected Skill Stream categories with Migration Occupation in Demand List skills)
www.skilledmigrant.gov.au
- Trades Recognition Australia (for recognition of trade qualifications)
www.workplace.gov.au/tra
- Australian Education International (AEI), through the National Office of Overseas Skills Recognition (NOOSR) (for recognition of overseas qualifications and skills)
www.aei.deewr.gov.au/AEI/QualificationsRecognition

Purchasing property

The Australian Government seeks to channel foreign investment in residential real estate into activity that directly increases the supply of new housing (that is, new developments such as house and land, home units and townhouses) and brings benefits to the local building industry and their suppliers.

Some restrictions apply to provisional visa holders when purchasing residential real estate. These may affect the purchase of your family home and any intended investments. To purchase real estate you must seek prior approval from the Foreign Investment Review Board. For further information see **www.firb.gov.au**

Other information about Australia

The *Living in Australia* web pages **www.immi.gov.au/living-in-australia/** provide detailed information about services for prospective and newly arrived migrants.

The *Beginning a Life in Australia* booklets are provided for each state and territory and are available in English and 24 community languages. They also provide detailed information about services for prospective and newly arrived migrants and can be downloaded from the web pages at **www.immi.gov.au/living-in-australia/settle-in-australia/**

Doing business in Australia

Before applying for migration you should thoroughly investigate whether your proposed business activities in Australia may be affected by either registration or licensing requirements or by your provisional visa status in Australia. Further information on investing in Australia is available from the Foreign Investment Review Board website **www.firb.gov.au**

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 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 which are considered to be in short supply, or which cost a significant amount. This may differ from treatment in other countries.

The department is authorised to collect information on this form under the *Migration Act 1958*. The information on this form, 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 but it may mean that your result(s) will be disclosed to the relevant Commonwealth and State/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, of 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 charges (calculated as a multiple of average annual costs for an Australian). When the Medical Officer of the Commonwealth is of the opinion that the 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 arrangements to lessen a claim on public funds.

It is not the doctor who examines you who determines whether you meet the health requirement, but Australian authorities.

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. Please complete and include with your application, a form 80 *Personal particulars for character assessment* for each applicant aged 16 years or over included in your application. This form is available free from offices of the department or from the department's website www.immi.gov.au/allforms/

To avoid unnecessary delays after you lodge your application, you may wish to seek the necessary police checks before you apply for your visa. More information on penal clearances is available from the department's website www.immi.gov.au/allforms/

PART 3

Preparing your application

Forms

Applicants for the Distinguished Talent visa are to attach form 1000 *Nomination for Distinguished Talent to the Application*.

Provide completed forms:

- form 47SV *Application for special migration to Australia*;
- form 1000 *Nomination for Distinguished Talent*;
- form 47A *Details of child or other dependent family member aged 18 years or older* (for each dependant aged 18 or older);
- if you are using a migration agent or exempt agent or authorised recipient, form 956 *Appointment of a migration agent or exempt agent or other authorised recipient*.

To avoid unnecessary delays in processing your visa application, you may wish to complete health checks (forms 26 and 160). For each applicant over 16 years, also seek police checks and form 80 *Personal particulars for character assessment* before you lodge your application. More information on penal clearances is available from the department's website www.immi.gov.au/allforms/

Note: Other forms may be required and will be provided by the office of the department at the appropriate time.

Forms may change from time to time and applicants should check when lodging their application that the most recent version of a form has been used.

Application charge

- Charges are listed in form 990i *Charges* which is available from the department's website www.immi.gov.au/allforms/

Other documents

Other documents you must provide

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

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 the department 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 interests 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, Justice of the Peace, Commissioner for Declarations, 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, registered medical practitioner, bank manager, postal manager, Australian Postal Corporation Officer with 5 years service.

English translations

Documents in languages other than English must be accompanied by an English translation. In Australia, a translator must be accredited by the National Accreditation Authority for Translators and Interpreters (NAATI). You should ask at your nearest office of the department for further information about how to get your documents translated.

If you are applying 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.

Distinguished Talent

If you are applying for Distinguished Talent you must provide the following documents with your completed application.

- 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; or
- 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.

- 2 recent passport sized photographs (45 mm x 35 mm) of yourself and any other person included in the application (4 photos of each person if health examinations have not been completed). These should be of the head and shoulders only, 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.
- 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 partner (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.
- Certified copies of birth certificates or the family book, showing names of both parents, for all the children 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.
- If any child included in the application is adopted, certified copies of the adoption papers.
- Completed medical and x-ray examinations for all persons included in your application.

- If you have served in the armed forces of any country, certified copies of military service record or discharge papers.

- Record of achievement:
 - information provided by the nominator;
 - relevant qualifications and/or awards including those received from internationally recognised institutions;
 - advice from government, professional, scientific, cultural, sporting or other relevant bodies in Australia.

- Evidence that you can find employment or become established in Australia without difficulty (if applicable):
 - information provided by the nominator;
 - your employment/business background;
 - your knowledge of employment/business opportunities in Australia in your field;
 - letters from organisations in Australia as evidence of future employment in Australia;
 - correspondence with relevant bodies in Australia as evidence of a possibility of establishing a business in Australia;
 - qualifications or experience acquired during previous residence in Australia.

- Evidence that you are still prominent in your profession, the arts, sport, or research and academia (if applicable):
 - references from persons qualified to assess your claims to 'distinguished talent';
 - items about yourself from the information media (eg. newspaper or magazine articles or television programs).

Additional evidence (if applicable):

- If you are aged below 18 or above 55 years of age, you must provide evidence that you would be of exceptional benefit to the Australian community.

The following documents may be provided with your completed application to avoid unnecessary delays.

- A police check for each person aged 16 years or over included in your application, for each country outside Australia lived in for more than 12 months over the past 10 years.
- Form 80, *Personal particulars for character assessment* for each person aged 16 years or over included in your application.

Former Resident

If you are applying for Former Resident you must provide the following documents with your completed application.

- 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; or
 - 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.
- 2 recent passport sized photographs (45 mm x 35 mm) of yourself and any other person included in the application (4 photos of each person if health examinations have not been completed). These should be of the head and shoulders only, 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.
- 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 partner (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.
- Certified copies of birth certificates or the family book, showing names of both parents, for all the children 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.
- Completed medical and x-ray examinations for all persons included in your application.
- A police good conduct/character certificate for each person aged 16 years or over included in your application, for each country outside Australia lived in for more than 12 months over the past 10 years.
- 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.
- Evidence of Australian permanent resident status – certified copy of the passport showing permanent visa label.
- Certified copy of the birth certificate.
- Evidence of ties with Australia:
 - frequent correspondence with relatives and/or friends in Australia;
 - evidence of frequent visits to Australia for business, cultural or personal reasons;
 - evidence of ownership of property in Australia (with evidence also of your ongoing active interest in that property);
 - evidence of other economic or business interests in Australia in which you have an ongoing active concern.
- Evidence of service with the Australian Defence Forces (if applicable) prior to 1981.

Lodging your application

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

Whether you reside in or outside Australia, you should send your application by mail to:

Special Migration Application
GPO Box 717
CANBERRA ACT 2601
AUSTRALIA

Or by courier to:

Special Migration Application
Department of Immigration and Citizenship
Ground floor
3 Lonsdale Street
BRADDON ACT 2612
AUSTRALIA

PART 4

Processing visa applications

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

This information form 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.

Where to get information

In Australia, you can get information about visas, charges and forms at offices of the department 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 contact your nearest Australian mission, or go to **www.immi.gov.au**

How to apply for a visa

To make a valid application, you must:

- indicate the class of visa that you want;
- use the correct form; or
- lodge an application via the internet (where applicable);
- 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
- send or deliver your application to the correct office of the department as detailed on the previous page.

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 the department advises otherwise.

Internet applications

Certain visas can be applied for via the internet. Further information can be found by going to **www.immi.gov.au**

Family members

For most visas, family members (partners, dependent children or dependent relatives) who apply at the same time can apply on the same form and pay one 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 the department is notified of the details of the newborn child. In some circumstances, a spouse or dependent child can be added to an 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; and
- you have previously applied for a protection visa.

In these cases the department 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 any office of the department or nearest Australian mission.

Communicating with the department

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

Withdrawal of applications

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

You must correctly identify yourself

If you communicate with the department about your application, you must:

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

Let the department 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 the department your new address and how long you will be there. The department 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 the department sends to that person. The department must be informed (in writing) of any address change for either you or your authorised person.

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 the department 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 the department. If you do not, the department can process your application and make a decision on the basis of the information it already has.

Invitation to comment

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

Advise the department if your circumstances change

If any of your circumstances change, such that any answer in your application or information given to the department is no longer correct, you must inform the department (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 the department that some information is no longer correct. However, if you advise the department 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.

Processing applications

Processing of your application may be delayed if your application is 'pooled' (this only applies to points tested classes of visas) or if processing of the class of visa for which you have applied is suspended.

Visa decisions

Processing times vary. You will be notified by the department 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 the department 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 in Australia); or
- 21 days after the date of the letter (if sent outside Australia).

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 the department for information about how to do this.

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

You should inform the department 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 overseas, you must be outside Australia when a decision is made.

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).

Review rights

If your application is refused you will be notified in writing if you have a right to have the decision reviewed. You will also be advised how and when to apply for a review.

Options for receiving written communications

You may authorise another person to receive all communications, both written and electronic, about your application with the department. You will be taken to have received any documents sent to that person as if they had been sent to you.

To do this you will need to complete the section on the application form with the heading *Options for receiving written communications* and form 956 *Appointment of a migration agent or exempt agent or other authorised recipient*. For an explanation of what a migration agent or exempt agent or authorised recipient can do please read the sections below.

Authorised recipient information

An authorised recipient is someone you appoint to receive written communications about your application with the department.

All written communication about your application will be sent to your authorised recipient, unless you indicate that you wish to have health and/or character information sent directly to you.

The department will communicate with the most recently appointed authorised recipient as you may only appoint one authorised recipient at any time for a particular application.

Migration agent information

A migration agent is someone who can:

- advise you on the visa that may best suit you;
- tell you the documents you need to submit with your application;
- help you fill in the application and submit it; and
- communicate with the department on your behalf.

If you appoint a migration agent, the department will assume that the migration agent will be your authorised recipient, unless you indicate otherwise.

Your migration agent will be the person with whom the department will discuss your application and from whom it will seek further information when required.

Exempt agent information

The following people do not have to be a registered migration agent in order to provide immigration assistance, but they must not charge a fee for their service:

- a close family member (spouse, de facto partner, child, parent, brother or sister);
- a sponsor or nominator for this visa application;
- a member of parliament or their staff;
- an official whose duties include providing immigration assistance (eg. a Legal Aid provider);
- a member of a diplomatic mission, consular post or international organisation.

Consent to communicate electronically

The department 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 the department 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 the department communicating with you by electronic means, the details you provide will only be used by the department 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 Australian Government accepts no responsibility for the security or integrity of any information sent to the department over the internet or by other electronic means.

Australian Government Websites

assisting business entry and skilled migration

Australian Government

Department of Immigration and Citizenship

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

www.statedevelopment.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 Program

www.liveinvictoria.vic.gov.au

Western Australia

Small Business Development Corporation

www.sbdc.com.au

Special Migration

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Department of Immigration and Citizenship
www.immi.gov.au

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