



# Applying to enter or to remain permanently in Australia as a partner

This information form is about applying for a Spouse or Interdependency visa that allows you to enter or to remain permanently in Australia as the partner of an Australian citizen, permanent resident or eligible New Zealand citizen.

An 'eligible New Zealand citizen' is a New Zealand citizen who holds a Special Category visa, was usually resident in Australia on 26 February 2001 and would have met certain health and character requirements on last entry to Australia.

A partner is:

- a married spouse;
- de facto spouse; or
- an interdependent partner.

An interdependent partner can include, but is not restricted to, same-sex couples.

In most cases, people applying as a de facto or interdependent partner must have been in the relationship with their sponsor for the entire 12 months immediately preceding the date of application. Exemptions from this criterion may be made for:

- sponsors who were granted a permanent humanitarian visa and declared the relationship to the department before the visa was granted; or
- cases where there are 'compelling and compassionate circumstances', such as dependent children of the de facto relationship; or
- cases where it was illegal for interdependent partners to live together in the applicant's home country.

## Who can apply?

All substantive visa holders, except transit visa holders, can apply for a partner visa.

## Are there any restrictions on applying to remain in Australia?

You will not be eligible to apply to stay in Australia as a partner if you have had a visa cancelled or been refused a visa since you arrived in Australia.

## How to lodge an application

Applications should be lodged at the nearest office of the Department of Immigration and Citizenship (the department) or Australian mission overseas. In all cases, the following must be included:

- a form 47SP *Application for migration to Australia as a partner*; completed and signed by the applicant;
- a form 40SP *Sponsorship for a partner to migrate to Australia*, completed and signed by the sponsor;
- a form 47A *Details of child or other dependant family member aged 18 years or over*; completed and signed by **each** dependent child or dependent relative aged 18 years or over, whether or not they are migrating with you;
- supporting documents; and
- the required Visa Application Charge.

Partner visa application forms can be:

- downloaded from the department's website [www.immi.gov.au/allforms/](http://www.immi.gov.au/allforms/) and then filled in; or
- obtained from the nearest departmental office or Australian mission overseas, the locations for which can be found on the department's website at [www.immi.gov.au/contacts/](http://www.immi.gov.au/contacts/) and then filled in.

**Note:** All partner visa applications must be signed and lodged in hard copy at the relevant departmental office or Australian mission overseas. Partner visa applications cannot currently be lodged online.

Documents in languages other than English that you provide with your partner visa application must also be accompanied by an accurate English translation of each of those documents.

The explanatory notes contained in booklet 1, *Partner Migration* will help you to understand the steps for applying for partner migration. The booklet includes a checklist of documents you need to support your application.

The booklet can be downloaded from the department's website [www.immi.gov.au/allforms/](http://www.immi.gov.au/allforms/) or obtained from any departmental office or Australian mission overseas.

The charge for lodging your application is shown in form 990i *Charges*, which is available from the department's website [www.immi.gov.au/allforms/](http://www.immi.gov.au/allforms/) or obtained from any departmental office or Australian mission overseas.

All your dependent children, whether they live in Australia or overseas, must be listed in your application. If a child is born to an applicant after an application is lodged, the child will be taken to be included in that application once the details have been given to the office processing your application.

## Health and character requirements

All persons (including your dependent children whether in Australia or overseas), who you include in your application must be in good health and of good character.

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## How your application will be processed

### Stage 1

This stage involves assessment of your eligibility for a temporary partner visa. During this stage of processing, you will be asked to:

- provide evidence that your relationship with your partner is genuine and continuing;
- undergo medical examinations;
- provide the department with character clearances from countries in which you have lived for more than 12 months (in total) in the past 10 years (if applicable); and
- attend an interview, if required.

If you hold a Prospective Marriage visa, you may not be required to undergo new health and character checks. However, you may be required to attend an interview.

If you successfully complete the first stage of processing, you will be granted a temporary partner visa, which allows you to travel to or remain in Australia.

The temporary visa will be in effect until a decision is made on your application for a permanent partner visa. In most cases, the permanent visa is decided 2 years after the date of application for the temporary partner visa.

As the holder of a temporary partner visa, you may apply to sponsor dependent children living overseas to come to Australia as temporary visa holders.

### Stage 2

Your temporary visa will remain in effect until a decision is made on your permanent visa application.

During this second stage, the department will ask for:

- evidence that your relationship is still genuine and continuing, including written statements from you and from your partner attesting to your continued relationship plus supporting documentation;
- statutory declarations from 2 people who know you and your spouse well and can support your claim that the relationship is genuine and ongoing (for example, see form 888 *Statutory declaration by a supporting witness relating to a partner visa application*, which is available from the department's website [www.immi.gov.au/allforms/](http://www.immi.gov.au/allforms/) or from the nearest office of the department or Australian mission overseas);
- if you have been in Australia for 12 months (in total) or longer, a character clearance from the Australian Federal police; and
- another character clearance from a country from which you previously obtained a clearance if, since your last clearance, you have returned to that country for a period of 12 months (in total) or more.

You may be required to undergo health checking again if you have spent a significant period of time resident in another country.

Processing of your permanent visa will begin close to 2 years after you made the original application and involves assessment of your eligibility for a permanent visa.

You may be eligible to have your visa decided in less than 2 years if:

- your relationship was of 5 or more years duration when you made your application; or
- your spouse relationship (married or de facto) was of 2 or more years duration and you and your Australian spouse had a child or children from this relationship when you made your application; or
- your relationship breaks down in circumstances outlined below.

If you meet all the criteria, you will be granted a permanent visa.

### What happens if the relationship breaks down?

If your relationship ends, you must inform the department immediately.

You may still be eligible for a permanent visa if your relationship has broken down and:

- **You, or a member of your family, was the victim of family violence**

See form 1040 *Statutory declaration relating to family violence*, which is only available for use in Australia from the department's website

[www.immi.gov.au/allforms/](http://www.immi.gov.au/allforms/) OR

- **You have been granted custody of, or access to, any children of your relationship**

You will need to provide the department with:

- their birth certificate(s); and
- evidence that you have been granted custody or access.

You may also be eligible for a permanent visa:

- **If your spouse has died**

You will need to establish that you have developed close ties with Australia and had your spouse not died, your relationship would have continued.

### Review rights

If your application is refused, you will be notified of your review rights in writing and advised how to apply for review.

*Home page* **www.immi.gov.au**

*General enquiry line*

Telephone **131 881** during business hours in Australia to speak to an operator (recorded information available outside these hours). If you are outside Australia, please contact your nearest Australian mission.