

Subclass 820 - Partner Visa FACT SHEET

The purpose of the subclass 820 - Partner visa is to allow the spouse or de facto partner of an Australian citizen, permanent resident, or eligible New Zealand citizen to enter or remain in Australia. The applicant is initially granted a temporary visa, and is eligible for permanent residency if the relationship still exists after a two-year waiting period.

PARTNER VISA REQUIREMENTS

Relationship

If your application is based on a **marriage**:

- you must be legally married to an Australian citizen, permanent resident, or eligible New Zealand citizen

If your application is based on a **de facto relationship**:

- you must have been in a de facto relationship with an Australian citizen, permanent resident, or eligible New Zealand citizen for at least 12 months prior to lodging your application (unless there are compelling or compassionate circumstances) **AND**
- you and your partner must both be at least 18 years old, and must not be closely related

In **all cases**:

- you and your spouse/partner must be in a mutually exclusive relationship;
- that relationship must be genuine and continuing
- you and your spouse/partner must either live together, or live apart on a temporary basis only

Sponsor

Your sponsor must:

- be an Australian citizen, permanent resident, or eligible New Zealand citizen
- not have previously sponsored more than one other fiancé, partner, or spouse for migration to Australia, and not have sponsored a fiancé, spouse, or partner for migration to Australia within the last 5 years (unless there are compelling circumstances)
- not have been sponsored for a Spouse, Partner or Prospective Marriage visa by someone else within the last 5 years (unless there are compelling circumstances)
- provide police clearance certificates to the Department of Home Affairs (the DOHA) for each country in which he/she has lived for at least 12 months during the last 10 years **AND** consent to the DOHA disclosing any conviction for a '**relevant offence**' to you and any family members included in your application

APPLICATION PROCESS

Your Partner visa application is lodged with the Department of Home Affairs (the DOHA) on behalf of you and your sponsor. The main criterion is that the relationship and your sponsor meet the requirements referred to above. In addition, you must meet the standard health and character checks.

Following lodgement of your application, you and your spouse/partner may be asked to attend an interview with the DOHA. In some cases, the DOHA may visit your place of residence and/or conduct other checks to verify your relationship.

You must be in Australia when your application is lodged. You may be either in or outside Australia when your visa is granted.

Unlawful Applicants

If you are unlawfully in Australia at the time of your application, you must demonstrate that there are compelling reasons to justify the regularising of your immigration status.

Acceptable 'compelling reasons' could include an inability to attain lawful status due to reasons outside your control e.g. severe illness or incapacity. The existence of a genuine de facto partnership or marriage, or hardship that you would suffer should you be required to live apart from your spouse or partner whilst you apply for your visa, are not generally considered to be 'compelling reasons' for this purpose.

Visa Grant

If successful, you will be initially granted a temporary subclass 820 - Partner visa which allows you to remain in Australia until your application for a permanent partner visa has been decided by the DOHA, or you withdraw your application.

Next Steps: Permanent Residency

You will be eligible for permanent residency two years after lodging a successful temporary partner visa application, provided your de facto partnership or marriage continues to meet the requirements listed above. At this stage, you will be required to provide further evidence to the DOHA to establish your eligibility for permanent residency. You may be either in or outside Australia when your permanent visa is granted.

THANK YOU!



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