

## Subclass 445 - Dependent Child Visa: Applicant Aged Under 18 FACT SHEET

The subclass 445 - Dependent Child visa allows the dependent child of a permanent Partner visa applicant to travel to and/or remain in Australia until the parent's visa application is decided. If granted a subclass 445 - Dependent Child visa, the child must then apply to be added to their parent's permanent Partner visa application. The minimum requirements for a child who is under 18 years old are as follows.

### 445 - DEPENDENT CHILD VISA: APPLICANT AGED UNDER 18

#### Applicant (Dependent Child)

An applicant aged under 18 years old must:

- be the child of an **'eligible visa holder'** (see 'Parent' requirements below)
- NOT have a spouse or de facto partner, or be engaged to be married

**NOTE:** Additional criteria apply to applicants who are aged 18 or older.

#### Parent (Eligible Visa Holder)

The applicant's parent must:

- be an **'eligible visa holder'**. This means that they must hold ONE of the following visas:
  - subclass 309 Partner (Provisional) visa
  - subclass 820 Partner visa
  - subclass 445 - Dependent Child visa
- be the applicant's biological parent (although an adoptive parent or step-parent MAY be eligible in certain circumstances)
- meet ONE of the following requirements:
  - have the sole legal right to decide where the applicant can live **OR**
  - obtain the written consent of any other person who has the legal right to decide where the applicant can live, permitting the grant of this visa **OR**
  - have a valid court order permitting the applicant's removal from their home country

#### Sponsor

The applicant must be sponsored by the same person who sponsored the parent's permanent Partner visa application.

**NOTE:** The sponsor must NOT have been convicted of (or have an outstanding charge for) an offence against a child. This requirement also applies to the applicant's parent (the eligible visa holder).

## **APPLICATION PROCESS**

The visa application is lodged with the Department of Home Affairs (the DOHA) on behalf of the dependent child. The main criterion is that the child, parent and sponsor fulfil the requirements referred to above. In addition, the child must meet the standard health and character checks.

Please note that eligible siblings must lodge SEPARATE applications for this visa. This means that each sibling who lodges an application must pay the main applicant fee in their own right.

If the DOHA approves the application, the child will be granted a visa that allows them to travel to or remain in Australia until their parent's permanent Partner visa application is decided.

### **Next Steps: Permanent Partner Visa Application (Subclass 100/801)**

Once granted a subclass 445 - Dependent Child visa, the child **MUST** apply to be added to their parent's permanent Partner visa application as a dependent applicant. We can lodge this application on the child's behalf.

If the child is not added to their parent's permanent Partner visa application before it is decided, they may become unlawful in Australia and/or lose their eligibility for a permanent visa.

**PLEASE NOTE:** We estimate that it may take several weeks to prepare and lodge this type of application, with the time taken largely dependent on how promptly the child, parent and sponsor provide us with the necessary supporting information and documents.

The time that it takes the DOHA to process an application is dependent upon its processing time service standards, and may also vary due to a number of other factors, including the complexity of the case, perceived risk factors and processing priorities.

Please contact us for current information regarding likely processing timeframes for this type of application.

This Fact Sheet contains general information only. We strongly recommend that you seek specific guidance from us that is relevant to your circumstances before taking any further action.

Do you have additional questions regarding the subclass 445 - Dependent Child visa? Please feel free to contact us by email at [support@dojolegal.com.au](mailto:support@dojolegal.com.au), or by phone on **+61 02 9138 0688** to arrange a paid consultation.

## **THANK YOU!**



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