

Subclass 309 - Partner (Provisional) Visa FACT SHEET

The purpose of the subclass 309 - Partner (Provisional) 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. The minimum requirements for this visa are as follows:

PARTNER VISA REQUIREMENTS

Relationship

If your application is based on a **marriage (or intended marriage)**:

- you must be legally married to an Australian citizen, permanent resident, or eligible New Zealand citizen or
- intend to marry an Australian citizen, permanent resident, or eligible New Zealand citizen and the marriage will take place before the visa is decided

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

PARTNER VISA REQUIREMENTS CONT.

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

Note: A **relevant offence** includes, but is not limited to: offences involving violence, intimidation, breaching a protection order, people smuggling, human trafficking and dangerous weapons. Your sponsor will NOT be eligible to sponsor your visa application if he/she has a conviction for a relevant offence AND a significant criminal record. Please contact us if you have any specific enquiries.

APPLICATION PROCESS

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

Visa Grant

If successful, you will be initially granted a temporary subclass 309 - Partner (Provisional) visa which allows you to enter or 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 subclass 309 - Partner (Provisional) 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.

PLEASE NOTE: We estimate that it may take several weeks to prepare and lodge your application, with the time taken largely dependent on how promptly you (and your sponsor, if applicable) provide us with the necessary supporting information and documents.

The time that it takes the DOHA to process your application is dependent upon its processing time service standards, and may also vary due to a number of other factors, including the complexity of your case, perceived risk factors and processing priorities. Please contact us for current information regarding likely processing timeframes for this type of application.

THANK YOU!



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