

## Overview of Visa options for Family Reunion

People who are Australian Citizens or Permanent Residents of Australia can sponsor family members to apply for visas to live with them in Australia. It can be complicated and expensive to sponsor family members to apply to live in Australia and only some family members have a good chance of being granted the visa. This Fact Sheet is for people who have Permanent Protection (subclass 866) Visas, Resolution of Status (subclass 851) Visas and people with a Humanitarian Visa (subclasses 200, 201, 202, 203 or 204) or Australian citizens who have held these visas in the past.

### Visa options for Family Reunion

There are two main options for people with refugee or humanitarian visas seeking to sponsor relatives to live in Australia. These are visas under the Humanitarian Visa stream and Visas under the Family Visa stream.

Humanitarian visas are free to apply for but generally have a lower chance of being granted even if people meet the visa criteria for the grant of these visas. This is because there is a limited number of these visas granted each year and many more people apply for them. For example, in 2021-2022 around 20 times more people applied for these visas than there were visas to grant. This means over 90% of people who apply for these visas are not granted a visa. Please note that if you hold a Resolution of Status (subclass 851) Visa and are considered an unauthorised maritime arrival, you will not be able to propose people for a Humanitarian visa.

Family visas are more expensive and there can be a long wait time but they will be granted if people meet the visa criteria. Applications for a partner (husband, wife, *de facto* partner or fiancé(e)) or child are relatively likely to be granted but it is more difficult to sponsor parents under this program and very difficult to sponsor other relatives.

In either the Humanitarian stream or the Family stream, it is generally much easier to sponsor **immediate family members** (for example a husband, wife, children or parents of children under 18 who live in Australia) than it is to sponsor other relatives such as parents, brothers, sisters, uncles, aunts or cousins.

### Humanitarian Visas overview

There are 5 types or “subclasses” of Humanitarian visas – Refugee (subclass 200), In-country Special Humanitarian (subclass 201), Global Special Humanitarian (subclass 202), Emergency Rescue (subclass 203) and Women at risk (subclass 204). Many Humanitarian visas are granted following recommendations by Australian government departments or the United Nations High Commissioner for Refugees (UNHCR) but can also be used to sponsor or ‘propose’ family members to live in Australia. Priority is given to immediate family members of people who hold humanitarian visas or Protection Visas granted in the last 5 years. These are known as ‘split family’ applications. For people wanting to propose family members, the information below is useful:

<b>Application Fee:</b>	None, but most applications are unsuccessful and there can be a long wait
<b>Who can apply:</b>	Family members of Australian citizens, permanent residents.
<b>Who can sponsor:</b>	Australian citizens, Australian permanent residents and organisations. Priority is given to people who hold humanitarian visas or Protection Visas granted in the last 5 years and sponsors (proposers) living in regional areas.

For more information on sponsoring family members on a Humanitarian Visa, see the RACS Fact Sheet “Offshore Humanitarian Visas”.

## Family Visas overview

There are different types of visas in the Family Stream depending on who you want to sponsor. This fact sheet has different sections on the visas available for sponsoring your partner (wife, husband or de facto partner) or fiancé(e), children, parents and other family members.

### Partner Visas

There are two visas for sponsoring your partner. A partner can be a legally married husband or wife, or a “de facto” partner. A de facto partner is a partner with whom you share a life as if you are married and live together, share costs together and have children together. The visas you can apply for to sponsor your partner are the:

- **Offshore Partner Visa (Subclass 309/100)** – to sponsor a partner outside Australia
- **Onshore Partner Visa (Subclass 820/801)** – to sponsor a partner in Australia

Both Onshore Partner visas and Offshore Partner visas have two stages. After you apply, your application will be considered for the grant of a temporary visa – the subclass 309 visa for offshore partner visas and subclass 820 visa for onshore partner visas. Then you will be considered for a permanent visa – the subclass 100 visa for offshore partner visas and the subclass 801 visa for onshore partner visas.

<b>Application Fee:</b>	\$8850 + additional costs for dependent children applying at the same time.
<b>Who can apply:</b>	Partners of Australian citizens, permanent residents and eligible New Zealand citizens and their dependent children.
<b>Who can sponsor:</b>	Australian citizens, Australian permanent residents, and eligible New Zealand citizens over 18 years of age. There are some restrictions on sponsorship for sponsors who have previously sponsored partners or held a partner visa or who have certain criminal convictions.

There is another visa called **Prospective Marriage Visa (subclass 300)**. This visa is for someone who is engaged to an Australian citizen, Australian permanent resident or eligible New Zealand citizen and who has met the person they are engaged to marry in person as an adult. This visa allows the person to travel to Australia and stay for 9 months (this is currently extended to 15 months because of COVID) to get married and then apply for a Onshore Partner Visa (Subclass 820/801). When people have a Prospective Marriage Visa (subclass 300), the application fee for the Onshore Partner Visa (Subclass 820/801) is reduced.

<b>Application Fee:</b>	\$8850 + additional costs for dependent children applying at the same time.
<b>Who can apply:</b>	Partners of Australian citizens, permanent residents and eligible New Zealand citizens and their dependent children.
<b>Who can sponsor:</b>	Australian citizens, Australian permanent residents, and eligible new Zealand citizens. There are some restrictions on sponsorship for sponsors who have previously sponsored partners or held a partner visa or who have certain criminal convictions.

The waiting time to be granted each stage of onshore and offshore partner visas changes but is normally about one to two years for each stage. There are similar waiting times for Prospective Marriage visas. **Refer to the RACS Fact Sheet “Sponsoring Your Partner to Live with you in Australia” for more information.**

## Child Visas

If you are not sponsoring your child or children as part of a Partner Visa application, they can apply for a Child Visa, which is a permanent visa. There are two main types of Child visa. Which one to apply for depends on whether the child (or children) is applying from inside Australia or overseas. The two types of Child visa are:

- **Offshore Child Visa (subclass 101)** – for children who are not in Australia
- **Onshore Child Visa (subclass 802)** – for children who are in Australia

These visas allow an Australian citizen or permanent resident to sponsor their child to come to Australia. This includes biological children of the sponsor, children adopted by the sponsor before they were granted permanent residence or step-children in limited circumstances.

**Application Fee:** \$3055 + additional costs for dependent children applying at the same time.

**Who can apply:** Children of Australian citizens, permanent residents and eligible New Zealand citizens and their dependent children.

**Who can sponsor:** Australian citizens, Australian permanent residents, and eligible New Zealand citizens. There are some restrictions on sponsors who have certain criminal convictions.

**For more information on Child Visas, see the RACS Fact Sheet “Sponsoring Your Child to Come to Australia”.**

There are **Other Child Visas** that cover situations that might apply to people in specific situations. **Note:** RACS generally does not assist with Adoption visas or Dependent Child Visas. Basic information about these visas is contained in the table below.

Visa Type	Application Fee	Who can apply	Who can sponsor
<b>Adoption Visa (Subclass 102)</b>	\$3055	Children who have gone through (or are going through) a formal adoption process.	Australian citizens, Australian permanent residents, and eligible New Zealand citizens. There are some restrictions on sponsorship for sponsors who have certain criminal convictions.
<b>Dependent Child Visa (Subclass 445)</b>	\$3055	A child of a person who holds a temporary Partner Visa (subclass 309 or subclass 820) .	Partner of sc309 or sc820 visa holder who is an Australian citizen, Australian permanent resident, or eligible New Zealand citizen. There are some restrictions on sponsorship for sponsors who have certain criminal convictions.
<b>The Orphan relative Visa (Subclass 117)</b>	\$1870	A child (under 18) whose parents are missing or cannot be found with a relative in	A settled Australian citizen Australian permanent resident or eligible New Zealand citizen who is a relative (sibling,

		Australia and consent to migrate to Australia.	grandparent, aunt or uncle) of the applicant or the partner of the relative.
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## Parent Visas

There are seven different types of Parent Visa. In most cases Parent visas are very expensive or have very long waiting times that mean that you should consider carefully if you should apply for one and, if you do, which one you should apply for. The main differences are set out in the table below.

In most cases, temporary visas will be granted first, then permanent visas. For example, when a temporary Contributory Parent (subclass 173) Visa is granted, the person will then be considered for a permanent Contributory Parent (subclass 143) Visa. This is the same for the temporary Contributory Aged Parent (subclass 884) Visa and the permanent Contributory Aged Parent (subclass 864) Visa.

All of these visa subclasses (except the Sponsored parent visa) are subject to the balance of family test. Basically, this means that at least half the children of the parent are Australian citizens, or permanent residents. This can be complicated, so seek legal advice to see how it applies to you. For more information about the balance of family test, check the Department's website [here](#).

The Sponsored Parent visa only allows temporary travel to and from Australia and does not provide a permanent Parent visa pathway.

Some visas have such long waiting times, it may not be worth applying for them. Others are very expensive, so may not be affordable. The table below gives an overview of the cost and the waiting times for these visas. The costs in the table are the minimum amount and will be more if more for additional applicants e.g. if more than one parent is sponsored and does not include costs of health checks etc.

**Note:** RACS can provide advice about these visas but does not assist with these applications.

Visa Type	Cost	Permanent /Temporary	Waiting Time for decision
Parent (subclass 103)	Around \$5000	Permanent	Around 40 years
Aged Parent (subclass 804)	Around \$500	Permanent	Around 40 years
Temporary Contributory Parent (subclass 173) and Permanent Contributory Parent (subclass 143)	Around \$50 000	Permanent	Around 13 years for both stages
Temporary Contributory Aged Parent (Subclass 884) and Permanent Contributory Aged Parent (subclass 864)	Around \$50 000	Permanent	Around 13 years for both stages
Sponsored Parent		Temporary	3-6 months (average)

(Subclass 870)	\$5735	(3 years)	
	\$11470	(5 years)	

## Other Family Visas

There are some other visa subclasses that other family members can apply for in very specific situations. The specific criteria for grant of these visas, the cost of applying and the waiting time for processing mean that it is rare these will be appropriate visas to apply for. **Note:** RACS does not assist with applications for these types of visas.

The **Carer Visa** is for people to provide care for an Australian relative where they need care and no other care is accessible in Australia. They must be sponsored by a relative who is an Australian citizen or permanent resident (or partner of an Australian citizen or permanent resident). The family member requiring care must be assessed to have a long term or permanent medical condition that requires the help of a carer for at least two years and there must be no person who can provide that care in Australia.

The **Remaining Relative Visa** is for people with no near relatives (parents, siblings, children over 18, partner's parents) who live outside Australia. All near relatives in Australia must be Australian citizens or permanent residents. They must be sponsored by a relative who is an Australian citizen or permanent resident.

The **Aged Dependent Relative Visa** is for people of retirement age who are dependent on a relative in Australia for basic needs like food and shelter. They must be sponsored by a relative who is an Australian citizen or permanent resident.

There are different subclasses for these visas. Subclasses 114, 115 and 116 are for people outside Australia when they apply for these visas.

Visa Type	Cost	Permanent /Temporary	Waiting Time for decision
Carer Visa (Subclass 116), (Subclass 836)	\$2055	Permanent	Approximately 7 years
Remaining Relative Visa (Subclass 115), (Subclass 835)	\$4990	Permanent	Approximately 25 years
Aged Dependent Relative (Subclass 114), (Subclass 838)	\$4990	Permanent	Approximately 25 years

## Getting Help from RACS

If you are unable to afford a private migration agent, but require advice regarding your visa options, you may wish to contact RACS. RACS cannot advise on all your visa options but can make referrals where you require advice about other visa options.

RACS is entirely independent of the Department of Home Affairs. All assistance is free

If you would like advice or assistance, RACS offers the following service options:

Service	Day	Time	Address/Number
<b>Client Line</b>	Monday to Friday	11AM to 1PM and 2PM to 4PM	(02) 8355 7227 or <a href="mailto:admin@racs.org.au">admin@racs.org.au</a>
<b>Auburn Outreach</b>	Wednesday	10AM to 12PM	Auburn Centre for Community 44A Macquarie Road, Auburn

**Please note:** This fact sheet contains general information only. It does not constitute legal or migration advice. RACS is independent of the Department of Home Affairs. All assistance is free. This factsheet was prepared in October 2023.