

Sponsoring your partner to live with you in Australia

This fact sheet is for people from a refugee background living in Australia as an Australian permanent resident or Australian citizen who would like to sponsor their partner such as your wife, husband or *de facto partner* (see the section “Who can I sponsor?” on page 2 for an explanation of who is a *de facto partner*) and children to live with them in Australia. It explains the different visa options that are available, depending on where you are and what your relationship is. This fact sheet does not discuss cases where a person might have a visa such as a Skilled visa or a Student visa and be able to include other family members in that visa application.

What Visa options do I have to sponsor my partner?

Depending on whether your partner is in Australia (onshore) or overseas (offshore), you can apply for different types of visas to sponsor them. Some of the most common options are:

- **Offshore partner visas** (Subclass 309/100)
You can sponsor your partner to apply for these visas if they are outside of Australia. First, you can sponsor them to apply for a provisional partner visa to enter Australia, then their application for a permanent migrant partner visa can be considered.
- **Onshore partner visas** (Subclass 820/801)
You can sponsor your partner to apply for these visas if they are already in Australia. They can first apply for the temporary partner visa and will then be considered for a permanent partner visa.
- **Prospective Marriage Visas** (Subclass 300)
Where you intend to marry a person who is overseas, you can sponsor them to apply for a Prospective Marriage visa. If they are granted this visa, they can come to Australia for between 9 and 15 months to marry you and then apply for an Onshore Partner visa.
- **Split-family provisions in Humanitarian Visas**
If you are an Australian citizen or permanent resident who now has, or used to have, a Humanitarian Visa such as a Protection Visa (subclass 866), and Humanitarian visas (subclasses 200-204), (but not a Resolution of Status (subclass 851), you can propose your partner and children for a Humanitarian Visa under the split family provisions. You must do this within 5 years of being granted the visa. For information on proposing relatives under the Split Family provisions of Humanitarian visas, see RACS Fact sheet: “Offshore Humanitarian Visas”.

Generally, the main difference between the visas are that it is free to apply for Humanitarian “Split-family” visas but they are less likely to be granted. The Offshore partner visa, Onshore partner visa and Prospective marriage visa are much more expensive but much more likely to be granted. Every person’s circumstances are different and you should seek advice before choosing which visa your partner should apply for. There may also be different options depending on your circumstances. You should seek legal advice before applying to see if these apply to you.

Considerations in deciding which visa to apply for

Who can I sponsor?

You can sponsor someone who is your partner. This includes the person you are married to such as your husband or wife. The marriage must be a legal marriage under Australian law.

You can also sponsor a person if they are your *de facto* partner. A person is considered your *de facto partner* if you and your partner are in a “committed, exclusive, genuine and continuing relationship” and either live together, or intend to live together in future. You must generally have been such a relationship for at least 12 months, unless there are compassionate and compelling circumstances, or unless your relationship is legally registered as a de facto relationship in an Australian state or territory.

You can sponsor a fiancé(e) on a prospective marriage visa, meaning someone you intend to marry in the future. You must have met your fiancé(e) in person since turning 18 years old to be eligible for this visa.

Can I include children in the Partner Visa application

If you and your partner have children, they can be included in the application in some circumstances. They must be:

- Your biological child, legally adopted child or step-child;
- Under 18 years old; or
- Over 18 years old and less than 23 at the time the visa application is decided and dependent on you or your partner. In this case ‘dependent’ means they rely on you or your partner to cover the cost of living (housing, food etc.) than anyone else.
- Over 23 but dependent on you or your partner due to a physical or mental disability.

Can I afford to sponsor somebody for a Partner visa?

Partner visas are very expensive. As of July 2023, the Visa application charge is \$8850. It will cost more if you want to include children in the application. The application fees cannot be waived. There are other costs including undertaking health checks and providing other documents. If you cannot afford to pay that amount, you may need to consider other visa options.

How long does it take?

Partner visas can take a long time to be processed. Check the Department’s [website](#) for current times.

You should consider where your partner will be living during that period. If your partner applies for an Onshore Partner Visa from within Australia, they will be granted a Bridging visa that allows them to stay in Australia with you while the application is processed. If your partner applies for an offshore Partner visa from outside Australia, they will need to wait to be granted a Partner visa before they can enter Australia or apply for a temporary visa such as a Visitor visa, which might or might not be granted.

Does your partner's visa allow them to apply for an Onshore Partner Visa?

Some people who are in Australia have conditions on their visa that mean they may not be allowed to apply for an Onshore Partner visa. This may be because they have a condition on the visa they arrived on that stops them, such as condition 8503 or if they only hold a Bridging Visa at the time they are applying, they may need to explain why their old visa expired before applying for the Partner visa application. Your application may be refused if you cannot provide a very good reason for this. If you are considering sponsoring your partner to apply for an onshore partner visa, you should get legal advice first to see if this applies to their application.

Can I sponsor my partner?

In some cases, you may not be able to sponsor your partner. These include in certain circumstances where you have sponsored someone before or been sponsored as a partner before. There may also be restrictions if you hold a Woman at Risk visa or if you have committed certain criminal offences.

Do you have evidence of your relationship?

You will need evidence to show that your relationship is genuine, including evidence of the financial aspects of your relationship, the nature of your household (if you have lived together), the social aspects of your relationship and the nature of your commitment. These will include official documents such as a marriage certificate if you have one but also documents that show you share finances like joint bank accounts, joint bills or money transfers. It will also include evidence that people know about your relationship such as joint invitations to events, and photographs together at social occasions. If you have been separated from your partner, you will need evidence of how you have kept in contact while apart. If you are finding it hard to prove you are in a relationship together, it is important to seek legal advice. If the Australian government is not satisfied that your relationship is real, your application can be refused and you will lose the very expensive application fee.

Have you told the Australian government about your partner in your previous visa applications?

If you have applied for an Australian visa, you would have had to fill in an application form and provide information about yourself and your family when you made that visa application. If you later apply to sponsor your overseas partner for a Partner visa, the Australian government will compare the information in the Partner visa application to your own previous visa application(s). If you did not include your overseas partner at the questions that ask about whether you are married or in a relationship, this might make immigration think that the information about your relationship is not true. You may wish to apply for a copy of your application through Freedom of Information to check this before you make a Partner Visa application.

We strongly recommend that you seek legal advice well before lodging any Partner visa application.

How do I apply?

To apply for an offshore partner visa, an onshore partner visa or a prospective marriage visa, you will need to apply online using an ImmiAccount unless you have written permission to allow you to complete a paper application form. You can create an ImmiAccount on the Department's website [here](#). You will not be able to use an ImmiAccount to apply if your partner does not have a valid passport.

You will need to provide a number of documents with your application. A useful step-by-step guide on how to apply and the documents you need to apply can be found on the Department's website. To check these, follow the links here for [Offshore Partner Visas](#), [Onshore Partner visas](#), and here for [Prospective Marriage Visas](#).

When filling in the application:

- Do not submit the forms until you are sure all the information is complete and correct.
- You will need to translate documents not in English through a qualified translator. You can find a NAATI accredited translator [here](#).
- You may need to have some documents certified by a Justice of the Peace. To find a Justice of the Peace, you can search [here](#).
- You need to complete the application for sponsorship immediately after making the visa application and paying for the visa application if you are applying online, so make sure you have all your information and documents ready beforehand.

You should not provide the Department with any documents that are not genuine

If you or your partner give the Department a bogus document as evidence of your identity, nationality or citizenship, your visa application may be refused for this reason alone and it may mean they will have difficulty applying for other visas in the future.

A bogus document is a document that was not issued to you (is someone else's identity), is counterfeit (fake), has been altered without authorisation, or was obtained because of a false or misleading statement. If you have concerns about your documents, seek legal advice.

How much does it cost?

A fee must be paid when you lodge the application. The amount of the fee can change, so check the correct amount before you apply. Your application will not be valid unless you pay this fee. The fees for partner visas change frequently and can be found on the Department's website for [Offshore Partner Visas](#), [Onshore Protection visas](#), and [Prospective Marriage Visas](#).

The payment must be made through an ImmiAccount and credit card is the preferred option. You will need to include receipt details in your online application, so it is very important that you keep a copy of the receipt. You should note that there is a credit card surcharge, so you will need more money in your account than the exact cost of the application fee.

After your application is lodged

After you lodge the application, you will normally have to wait until the application is processed. The current processing times are published on the Department's website so you can see on average how long the process is likely to take.

While you are waiting, more evidence will be requested by the Department in relation to the application. This includes, providing biometric evidence and undergoing health checks for your partner, and providing evidence of good character such as police clearance certificates for both you and your partner. When a request like this comes, you usually only have 28 days to comply.

If your partner applies for an Onshore Partner Visa from within Australia, they will be granted a Bridging visa that allows them to stay in Australia with you while the application is processed. The rights they have on this Bridging visa will depend on what visa they held when they applied for the Onshore Partner Visa.

If your partner applies for an Offshore Partner visa or Prospective Marriage Visa from outside Australia, they will need to wait to be granted that visa before they can enter Australia. They may be able to apply for a temporary visa such as a Visitor visa.

While you are waiting for your application to be decided, the Department may contact you requesting further information. It is very important that you inform the Department if your or your partner's contact details change and check your ImmiAccount regularly. You should also keep the Department up to date of any changes that affect your application such as if you have children or your relationship breaks down. If your relationship breaks down, you should seek legal advice about the impact of this on your visa status immediately.

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
Client Line	Monday to Friday	11AM to 1PM and 2PM to 4PM	(02) 8355 7227 or admin@racs.org.au
Auburn Outreach	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.