

Fact Sheet

Subclass 820/801 Partner Visa

The partner visa enables a person in a married or de facto relationship with an Australian citizen, Permanent Resident, or eligible New Zealand citizen to migrate to Australia.

A partner visa application is in 2 parts:

1. Visa application lodged on behalf of the applicant partner.
2. Sponsorship application to be lodged on behalf of the sponsoring partner.

Visa Criteria

To apply for this visa, you must meet all the following criteria:

- You must either be married or have lived together in a de-facto relationship for at least 12 months with the sponsor.
- Be in a genuine and committed relationship
- Be living together or living apart on a temporary basis
- If applying onshore, you must hold a valid substantive visa and be in Australia at the time that the visa is granted.
- If applying offshore, you must be outside of Australia at the time that the visa is granted.

Applicants to supply evidence of the genuineness of the relationship, including evidence of cohabitation, shared finances and how the relationship is perceived socially. We will provide guidance as to the forms of evidence accepted by the Department.

Temporary Visa

If the partner visa application is granted, in most cases the Department will issue a 2 year temporary Partner Visa. The temporary visa entitles the visa holder to stay in Australia with full work and travel rights, as well as access to Medicare.

If the applicant has been in a relationship with the sponsor for more than 3 years with no children, or 2 years with dependent children of the relationship, the 2 year temporary visa period may be waived and a permanent visa may be granted.

Permanent Residence (Subclass 801) Visa

After a two-year period, the Department of Home Affairs will review your relationship to grant a Permanent Partner Visa. At this stage, you will need to lodge a subclass 801 application and provide evidence of your relationship. If you have been in a relationship for more than 3 years, you may qualify immediately for the 801 permanent residence visa, effectively bypassing the temporary partner visa stage.

Processing Times

The current timeline for allocation of cases for assessment is 22 to 26 months. Processing times can vary depending on the quality of your application as the Department has indicated it will prioritise cases that are “decision ready”.

What happens when the Partner Visa is granted?

This is a combined temporary and permanent visa which allows you to remain in Australia indefinitely provided that you continue to be in the relationship after 2 years. Once granted permanent residence, the travel facility on this visa is valid for 5 years, after which you will have to apply for a further permanent residence visa to be able to travel outside of Australia (if you have not been conferred Australian citizenship by then). If you are outside Australia when the visa is granted, you will need to enter Australia for the first time prior to expiry of your health and police clearances.

Our Services

Our services include an initial assessment of your circumstances and goals and advice on your eligibility for the visa. We operate on a fixed fee basis, our costs including the professional assistance of a registered migration agent from initial assessment, preparation and lodgement of the sponsorship visa application, management of your bridging visa and liaison with the Department of Home Affairs up to the time of decision.

Need more information?

Find further information about The Migration Agency and our services on our website www.themigrationagency.com.au or contact us by phone on (02) 8896 6056.