

Subclass 309 Partner Visa FACT SHEET

The purpose of the Partner visa is to allow the spouse or de facto partner of an Australian citizen, permanent resident or eligible New Zealand citizen to enter into 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**:

- you must be legally married to an Australian citizen, permanent resident or eligible New Zealand citizen

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

Offices:

6/45 Railway Parade Kogarah NSW 2217
Tower 2 Level 20 201 Sussex Street Sydney NSW 2000
Phone: 612-8957 0671 Email: info@sgtax.com.au
MARN 1679983

Website: www.sgtax.com.au

St George Immigration Services MARN 1679983

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 (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. For further details, please refer to the DOHA's website: <https://www.homeaffairs.gov.au/Trav/Brin/sponsor-requirements>.

The fact sheet is intended only to provide a summary and general overview on matters of interest. It is not intended to be comprehensive nor does it constitute migration advice. We attempt to ensure that the Content is current but we do not guarantee its currency. You should seek professional advice before acting or relying on any of the Content.

Need more information?

Simply contact us for an appointment.

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