

Subclass 870 - Sponsored Parent (Temporary) Visa FACT SHEET

The purpose of the subclass 870 - Sponsored Parent (Temporary) visa is to allow the parents of Australian citizens, permanent residents, and eligible New Zealand citizens to reside in Australia temporarily for up to a total of ten years. The minimum requirements for this visa are as follows:

SPONSORED PARENT (TEMPORARY) VISA REQUIREMENTS

Visa Applicant

As the visa applicant, you must:

- be the parent (biological or adoptive), step-parent, or parent-in-law of your approved Australian family sponsor (see below)
- be at least 18 years of age
- genuinely intend to stay temporarily in Australia
- have access to sufficient funds to cover your costs whilst you are in Australia
- meet health and character requirements
- have adequate health insurance for your stay in Australia
- have no outstanding Australian public health debts, and have complied with all previous visa obligations (conditions)

Australian Family Sponsor

Your Australian family sponsor must:

- be an Australian citizen, **OR** an Australian permanent resident or eligible New Zealand citizen who has been usually and lawfully resident in Australia for at least the last 4 years
- be at least 18 years old, and willing to sponsor your application
- not have a spouse or de facto partner who is either a current parent sponsor or a previous parent sponsor who has breached a sponsorship obligation
- have a taxable income (either alone OR in combination with eligible family members) of at least AUD83,454.80 per year

NOTE: Only the sponsor's spouse/de facto partner, and/or ONE other of your children who is an Australian citizen, permanent resident or eligible NZ citizen, are eligible family members for this purpose. If a combination of incomes is used to meet this requirement, the sponsor's taxable income must be at least 50% of the threshold amount.

- have no outstanding public health or Commonwealth debts, or more than 2 parents sponsored at any one time (this also applies to the sponsor's spouse or de facto partner)
- meet character requirements, including the requirement to disclose criminal convictions to the visa applicant before the sponsorship approved

APPLICATION PROCESS

Initial Assessment

The first step that we will take is to conduct an initial assessment of your eligibility for this visa, and your sponsor's eligibility to be a family sponsor for your visa. This involves reviewing both of your personal details (including visa status, identity, age, health, character and financial status) to determine whether or not you and your sponsor are likely to meet the relevant requirements.

Note: Our initial assessment of your and your sponsor's eligibility does not guarantee that the DOHA will (or will not) in fact approve your sponsor or grant you a visa.

Stage 1: Family Sponsorship Application

If the initial assessment is favourable, we will prepare and lodge the application for family sponsorship with the DOHA on behalf of your sponsor. The main criterion is that your sponsor meets the requirements referred to above.

The sponsorship application must be approved **before** the relevant subclass 870 - Sponsored Parent (Temporary) visa application is lodged.

An approved sponsor can sponsor up to two parents per household at a time. A sponsor must comply with certain obligations, as described below.

The sponsorship will cease when: the sponsored visa is no longer in effect; or the visa application is not lodged within 6 months of the sponsorship approval; or the sponsorship is withdrawn; or the sponsor has an Australian permanent visa cancelled; or the sponsor dies; or there are serious breaches of the sponsorship obligations.

SPONSORSHIP OBLIGATIONS

Persons who are approved to sponsor subclass 870 - Sponsored Parent (Temporary) visa applicants **MUST** comply with certain obligations imposed by law and enforced by the Department of Home Affairs (the DOHA). The obligations include:

- being financially responsible for any outstanding public health debts incurred by the sponsored parent (including aged care services) before they depart Australia or are granted a permanent visa
- financially supporting the sponsored parent and providing the sponsored parent with accommodation while they are in Australia
- maintaining relevant records (for example, taxable income received), and providing such records to the DOHA upon request.
- notifying the DOHA within 28 days when certain events occur e.g. changes to any information provided to the DOHA; or the sponsor is charged with (or convicted of) an offence or becomes the subject of an Apprehended Violence Order or similar order; or incurs an overdue debt to the Commonwealth; or the sponsored parent dies

Failure to comply with these obligations may result in sanctions which could include financial penalties, sponsorship bars and visa cancellations, depending on the scale and severity of the breach(es). The DOHA may also share the sponsor's personal information with other Commonwealth and State/Territory agencies in relation to sponsor obligation breaches or false or misleading information provided by the sponsor.

Please contact our office for further information, including a full list of sponsorship obligations and their duration.

Stage 2: Visa Application

When the sponsorship application has been approved, we will prepare and lodge your subclass 870 - Sponsored Parent (Temporary) visa application with the DOHA on your behalf. The main criterion is that you meet the requirements referred to above. You must lodge your visa application *within 6 months* of the sponsorship approval.

You must be outside Australia at the time your visa application is lodged (unless permitted otherwise). You may be either in or outside Australia at the time your visa is granted. When the DOHA is ready to approve your application and grant your visa, you will be asked to pay your second visa application charge. The length of the visa requested will determine the amount of the second visa application charge. The initial visa is valid for either three or five years (depending on the period of stay requested), and does not generally permit work in Australia.

Next Steps

You may apply for further subclass 870 - Sponsored Parent (Temporary) visas provided you and your sponsor continue to meet the relevant requirements, and your total period of stay does not exceed 10 years. You must be outside Australia for at least 90 consecutive days before lodging another subclass 870 - Sponsored Parent (Temporary) visa application. You are not able to lodge other parent visa applications if you have applied for or hold a subclass 870 - Sponsored Parent (Temporary) visa.

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

The time that it takes the DOHA to process your applications 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.

This Fact Sheet contains **general information only**. We strongly recommend that you seek specific guidance from us that is relevant to your circumstances before taking any further action.

Do you have additional questions regarding the Child visa? Please feel free to contact us by email at support@dojolegal.com.au, or by phone on **+61 02 9138 0688** to arrange a paid consultation.

THANK YOU!



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