

Do you want to sponsor your dependant child for permanent residency?

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Two ways by which a dependant child may gain permanent residency are:

1. By lodgement of a child visa application on its own; or
2. By combined visa application as a 'member of the family unit' with at least one parent under certain circumstances (referred to as secondary applicants by DIAC).

Independent child visa

A dependent child may apply for a child visa, if sponsored by the parent or parent's partner who is either an Australian citizen, permanent resident or an eligible New Zealand citizen, under certain circumstances. A dependent child is generally defined as a child, step-child or adopted child who is under 18 years of age, is not engaged to be married and does not have and has never had a spouse or de facto partner.

A child who has turned 18 years but is under 25 years of age may still be regarded as dependent if not engaged in full-time paid employment, undertaking a full-time course of study at an educational institution leading to the award of a professional, trade or vocational qualification since turning 18 or a reasonable time after completing the Australian equivalent of year 12 and not married or engaged to be married or in a de facto relationship. A child who has already turned 18 years will also be regarded as dependent if mentally or physically disabled.

Combined Visa Application as 'member of family unit'

The other way a dependent child may gain permanent residency in Australia is by including the child as a secondary applicant in the visa application for permanent residency of the parent. The child, as a 'member of the family unit' must meet the secondary criteria, in the visa applied for by the parent in addition to satisfying the public interest and health criteria. Once the primary applicant is granted permanent residency, the child will thus also be granted permanent residency.

This information is of a general nature and should not be taken as authoritative legal advice for specific cases. Australia has a scheme that requires persons who give immigration assistance to be registered as migration agent. The writer, Atty. Imelda Argel is a practising Filipino migration solicitor and a registered migration agent in Sydney, Australia. She is a Solicitor of the Supreme Court of New South Wales, the High Court of Australia, an Attorney at law in the Philippines and in the State of New York, USA. Her Registered Migration Agent no. is 9682957. She is also the recipient of the inaugural NSW FAWAA (Filipino-Australian Women's Achievement Award) for her outstanding achievements in corporate practice and entrepreneurship. More information is available at www.iargel.com.au