



Who may apply for a carer visa?

By Imelda Argel, Bachelor of Laws (UP), Master of Laws (University of Sydney)

Unlike some countries, Australia does not issue a “caregiver” visa. However, a “carer” visa may be granted to relatives of Australian citizens, permanent residents or eligible New Zealand citizens needing a specified level of care when sponsored by qualified relatives.

Who may apply for a carer visa?

The following relatives of the person requiring care may apply:

- (a) the spouse of the person; or
- (b) a child, adopted child, parent, brother or sister of the person; or
- (c) a step-child, step-parent, step-brother or step-sister of the person.
- (d) a grandparent, grandchild, aunt, uncle, niece or nephew, or a step-grandparent, step-grandchild, step-aunt, step-uncle, step-niece or step-nephew.

Who may sponsor?

The sponsor must be an Australian citizen, permanent Australian resident, or an eligible New Zealand citizen.

The sponsor does not necessarily need to be the person requiring care. The sponsor could be a relative of the person requiring care, which includes:

- Their spouse;
- Their dependant child;
- Their dependant grandchild; or
- A relative (spouse, child, parent, brother, sister, grandparent, grandchild, aunt, uncle, niece, nephew (or step-equivalents)) of the sponsor OR the spouse of the sponsor who:
 - has never married or is widowed, divorced or separated and
 - who lives with the sponsor and
 - his dependant on him/her.

Who must be requiring care?

The person requiring care must be an Australian citizen, permanent Australian resident or an eligible New Zealand citizen, related to the visa applicant and the sponsor, if he or she is not the sponsor.

In other words, the person needing care, the sponsor and the visa applicant must be related. There are technical definitions of the relationship which vary from time to time. It is therefore advisable to seek advice from a competent registered migration agent before lodgment of visa application to minimize the chance of visa refusal.

What kind of the medical condition requires care?

The person requiring care must undergo medical examination by a health service provider specified by the minister (usually Health Services Australia Ltd.), and an assessment certificate must be issued by the health service provider that the medical condition has an impairment rating of at least 30 points causing physical, intellectual or sensory impairment of the ability of that person to attend to the practical aspects of daily life which will continue for at least 2 years and will require direct assistance in attending to the practical aspects of daily life.

Is the required assistance available elsewhere?

Proof must be given that the assistance *cannot* be reasonably be obtained from any other relative of the resident, being a relative who is an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen; *or from welfare, hospital, nursing or community services in Australia.*

What is required of the carer?

The principal applicant for a carer visa must be willing and able to provide to the relative needing care substantial and continuing assistance of the kind needed in attending to the practical aspects of daily life. Assistance includes hygiene, toileting, dressing, eating, mobility, special exercising, therapy, giving medication, constant monitoring and supervision.

The carer and all members of his or her family unit must pass health and character tests.

What evidence or documents are needed in accordance with the application?

Note: copies of the following documents *must* be certified

- *Documents proving that the carer's relative is an Australian citizen, permanent resident, or eligible New Zealand citizen who is 18 years of age or older.* These may include (where applicable):
 - Passport;
 - Citizenship certificate;
 - Birth certificate;
 - Change of name certificates;
 - Driver's license; or
 - Any document issued by the court or the government that can confirm your identity.

(Passport-sized photographs must also be provided.)

- **Form 47A- Details of child or other family member aged 18 years or older (if they have been included in the application)**
 - This must be completed by the applicant (the carer).
 - Adoption papers must also be provided, regarding any adopted children included in the application
- *Documents verifying the applicant's relationship with the person requiring care.* These may include:
 - Marriage certificate;

- Birth certificate;
- Death certificate;
- Adoption certificate; or
- Family status certificates

It is insufficient if the applicant proves interdependency with the sponsor; the applicant must prove that the relationship is a *family relationship* (see above for the list of relatives).

- *Documents verifying all the applicant's dependants who are 18 years of age or older.*
 - This may include bank statements
- *Certified copies of the applicant's marriage certificate(s), if he/she has previously been, or is currently married.*
 - Similar requirements apply for those who have been widowed or divorced. In this case, death certificates, certificates of divorce (decree absolute) etc.
- *If the applicant has been in a de facto relationship for at least 12 months, then evidence is required proving this relationship.*
 - Evidence includes joint bank account statements, joint tenancy, utility bills under joint names etc.
- *Assessment certificate must be issued by Health Services Australia*
 - Stating that the individual's medical condition has an impairment rating of at least 30% causing physical, intellectual or sensory impairment of the ability of that person to attend to the practical aspects of daily life which will continue for at least 2 years and will require direct assistance in attending to the practical aspects of daily life.
- *Evidence proving that no other family member (in Australia) of the individual needing care will be able to care for him/her.* This may include:
 - Statutory declarations/affidavits;
 - Medical certificates etc.
- *Evidence proving that no other facilities (which include appropriate welfare, hospital, nursing or community services in the area where the person needing care lives) can provide care for the individual in need.* Evidence includes:
 - Statutory declarations;
 - Affidavits;
 - Refusal letters,
 - Language difficulties etc.
- *Evidence stating that the carer will be willing and able to provide care for the individual in need.*
 - Usually in the form of an affidavit or statutory declaration stating that:
 - The carer is capable of providing assistance;
 - The carer is aware of the assistance that is required;
 - The carer is aware of the period in which assistance will be provided;
 - The carer understands the nature of the individual's medical condition;
 - The carer knows how to support him/herself (and any other family members included in the application) financially.

- There is a satisfactory level of support for the carer's assistance to the individual from the accompanying family members (if any)
- Any training or qualification the carer has had that will be beneficial in assisting them in providing care (e.g. College diplomas or University degrees, Volunteer work etc.)

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 lawyer 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. More information is available at www.iargel.com.au