



# **PARTNER VISA MIGRATION**

**The Ultimate Guide**

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AGAPE HENRY CRUX

 /AgapeImmigration  
 /ahc\_lawyers

# A WARM WELCOME FROM AGAPE HENRY CRUX

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Thank you for enquiring with Agape Henry Crux about your journey to Australia through the Partner Visa program.

The two founders at Agape Henry Crux are both Accredited Specialists in Immigration Law. Their greatest strength is kindness, reflecting in their patience and perseverance on the results they deliver. Both, Kris and Jason, are the very few who continue to process their own work; drafting submissions and even filling up application forms - similar to performing a surgery, Kris and Jason treat each of their cases delicately to ensure the quality precedes their reputation.

Immigration to Australia is a dream for many people, and Agape Henry Crux shares your dreams and will guide you through the process, to ensure you get the best outcome for your specific situation.



Kris Ahn,  
Accredited Specialist  
Immigration Lawyer  
& Public Notary

## OUR VALUES

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Agape Henry Crux is focus to provide to all our clients outstanding assistance with all visa and migration issues. We do this through the three core values that we hold very close to heart.

### TRANSPARENCY

Your Australian journey is special and we're honoured to be a part of it. We want you to enjoy what Australia has to offer while we work hard on your visa. We offer full transparency to your application if you want to check the status through the online portal and see how it all comes together!

### EFFICIENCY

Technology is leaping into the future and so are we! Adapting to the fast-changing world of technology and implementing the latest software allows us to prioritise and manage your matter with efficiency. It's not all about speed, we focus on the details with precision and accuracy, delivering the service you're looking for.

### PROFICIENCY

Immigration law is one of the most complex areas of law in Australia. Through on-going training and learning, our legal team is able to provide you with outstanding advice and guidance throughout your application process. We pride ourselves on becoming the leaders in the industry, one step at a time.

# Offshore (sc. 309/100) & Onshore Partner Visa (sc. 820/801)

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Partner Visa is for you if you are in a Married or De facto relationship with an Australian citizen, permanent resident or eligible New Zealand citizen. It allows you to remain in Australia on the basis of your relationship.

Partner visa is a two-stage visa. The first stage is the provisional (sc. 820 or sc. 309) and after two years, you can apply for the second stage Permanent (sc. 801 or sc. 100) visa.

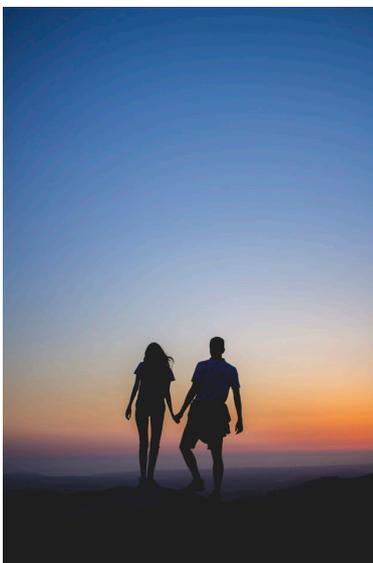
- on a temporary visa (usually for a waiting period of approximately two years from the date you applied for the visa); then
- on a permanent visa if, after the waiting period (if applicable), your partner relationship still exists and you are still eligible for this visa.

We may be able to waive the two-year waiting period if your relationship is a long-standing one.



*"I know I am in love with you because my reality is finally better than my dreams"*

- Dr. Seuss



*"I need you like a heart needs a beat"*

- Apologize by One Republic

**Married Couples:** Must provide the current and valid marriage certificate.

**De Facto Couples:** If de facto, you will need to prove that you have been in this relationship for at least 12 months immediately before lodging your application. If you have registered your relationship with an Australian State government, your 12 months' relationship requirement may be waived.

You and your partner must show a mutual commitment to a shared life to the exclusion of all others that is genuine and continuing.

If you are living apart because of work, visa or other circumstances outside of your control, you must show evidence that:

1. You have met in person previously;
2. You can justify why you are living separately; and
3. You and your partner communicate daily

If above are met, then we can submit that the total period since you have started living together until now can be counted as if you have been living together all this time.

## ELIGIBILITY

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*"I will return. I will find you. Love you. Marry you. And live without shame."*

— Robbie Turner, *Atonement*

- △ Your partner is an Australian citizen, Australian permanent resident or an eligible New Zealand citizen.
- △ You are married or have been in a De facto relationship for at least 12 months
- △ You and your dependents meet health requirements.
- △ You, your dependents and your sponsor meet character requirements.
- △ You do not have outstanding debts to the Australian government.
- △ You have never had a visa canceled or refused while in Australia.



*"When you realize you want to spend the rest of your life with somebody, you want the rest of your life to start as soon as possible."*

— *When Harry Met Sally*

## DID YOU KNOW?

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1. Onshore applicants (820 visa) must be in Australia at the time of application and at the time of decision.
  - o You can travel outside of Australia during processing.
  - o If you are overseas when DoHA is ready to make the decision, they will advise you to come back to Australia.
2. Offshore applicants (309 visa) must be outside Australia at the time of application and at the time of decision.
  - o You can visit Australia during processing.
  - o If you are onshore when DoHA is ready to make the decision, they will advise you to leave so they can grant the visa.
3. The sponsor must not have sponsored anybody else for other Partner Visas and Parent Visas in the last five years, and a total of 2 sponsorship.
4. Applicant and sponsor must not be related by family:
  - o Related by family includes relationships traced through an adoptive parent, and for this purpose, also includes any adoption that may have been declared void or has ceased to affect.
  - o Be an ancestor or descendant of one another.
5. If the visa Applicant was subject to domestic violence, or death of Sponsor, you might be eligible to obtain your partner visa.
6. The form 888 is only valid for 6 weeks from date of certification.
7. If you haven't lived together for at least 12 months, you can register your relationship under a law of a participating state or territory to waive the requirement.

# THE 4 PILLARS



## **FINANCIAL**

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- (i) any joint ownership of real estate or other major assets; and
- (ii) any joint liabilities; and
- (iii) the extent of any pooling of financial resources, especially in relation to major financial commitments; and
- (iv) whether one person in the relationship owes any legal obligation in respect of the other; and
- (v) the basis of any sharing of day-to-day household expenses;

## **COMMITMENT**

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- (i) the duration of the relationship; and
- (ii) the length of time during which the persons have lived together; and
- (iii) the degree of companionship and emotional support that the persons draw from each other; and
- (iv) whether the persons see the relationship as a long-term one.

## **COHABITATION**

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- (i) any joint responsibility for the care and support of children; and
- (ii) the living arrangements of the persons; and
- (iii) any sharing of the responsibility for housework;

## **SOCIAL ASPECTS**

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- (i) whether the persons represent themselves to other people as being in a de facto relationship with each other; and
- (ii) the opinion of the persons' friends and acquaintances about the nature of the relationship; and
- (iii) any basis on which the persons plan and undertake joint social activities.



*"I'm also just a girl, standing in front of a boy, asking him to love her."*

— *Notting Hill*



# THE ULTIMATE PROCESS: ONSHORE PARTNER VISA

## 2. APPOINTING AGAPE HENRY CRUX

Client agreement is signed between Agape Henry Crux and yourself as our client.

Payment received and work begins.

## 1. INITIAL CONSULTATION

Agape Henry Crux assesses your eligibility against the Partner visa criteria.

## 4. FINALISATION

Preparation stage will depend on how fast you can provide us with the information & documents. Once we have a complete application, we will send it to you for final check before lodgement.

## 3. PREPARATION BEGINS

Instruction and checklist are sent to you to collect documents and for us to prepare for your application lodgement.

## 5. APPLICATION LODgement

Once confirmation is received we will lodge your application.

You will automatically be granted a Bridging Visa A (BVA).

You can also apply for Medicare after lodgement.

## 6. CURRENT VISA EXPIRES

4-8 weeks to prepare (varies)



*Without you, today's emotions would be the scurf of yesterday's." - Amelie*

## 8. TEMPORARY PARTNER VISA GRANTED

- stay in Australia until a decision is made on your Permanent Partner visa.
- work in Australia
- study in Australia (no government support)
- travel outside Australia as many times as you want
- access up to 510 hours of free English language tuition provided by the Adult Migrant English Program

## 7. BVA IN EFFECT

You can:

- work full time
- study (no government support)

## BRIDGING VISA B

If you have plans to travel during the process, you must apply and be granted a BVB before you leave Australia. The BVB will allow you to leave and return to Australia while your Partner visa is being processed.

## 9. PERMANENT PARTNER VISA ASSESSMENT BEGINS

You can lodge the Permanent Partner visa 2 years from the date that the Partner visa was lodged. This is another process where further documents will need to be submitted to satisfy the permanent partner visa criteria.

Department processes Temporary Partner visa

Department continues to process Permanent Partner visa



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