

ADOPTION (PERMANENT) VISA

ADOPT A CHILD TO MIGRATE TO AUSTRALIA

Ferguson Cannon are Migration Lawyers and Registered Migration Agents (Registered Number 0105779) located on the Sunshine Coast and Brisbane in Queensland, Australia. We specialise in complex and difficult applications.

This is a permanent visa for children from overseas who have been adopted, or are about to be adopted.

For this visa, an adoptive or prospective adoptive parent must be an Australian citizen, the holder of an Australian permanent visa, or an eligible New Zealand citizen.

An adoptive or prospective adoptive parent acts as a sponsor for the child and usually lodges the visa application on behalf of the child.

Who is this visa for?

This visa is for children from overseas, under 18 years of age, who are in the process or have been adopted under certain circumstances.

What does the visa let me do?

This visa allows the child to:

- live permanently in Australia with their adoptive parent
- travel to and from Australia for five (5) years from the date the visa is granted.

The child must have been adopted or be in the process of being adopted by an adoptive or prospective adoptive parent.

The child must be outside Australia when their visa application is lodged and when the visa is granted.

Responsibilities

The department will assess and decide applications for this visa in accordance with Migration Regulations.

Key responsibilities relating to this visa

Person Responsibility

Adoptive or prospective adoptive parent (Sponsor) Sponsors the child.

- If an Adoption visa is granted, the Sponsor must provide support for the child, including accommodation and financial assistance required to meet the child's reasonable needs during their first two (2) years in Australia.
- Applicant(Child) Lodges a complete application including all application forms, supporting documentation and application charges.

Certain circumstances must be met for adoptive or prospective adoptive parents to apply for this visa on behalf of the child.

Adoptive parents living in Australia

Your relevant Australian State or Territory Adoption Authority (STAA) must be involved in managing the adoption process with the overseas country where the child is living.

If you are considering adopting a child from overseas, you should contact the adoption authority in your state or territory.

Adoptive parents living overseas

The following circumstances apply for adoptive or prospective adoptive parents who are living overseas:

- you must have been living overseas for the 12 months prior to making an application for this visa
- your residence overseas was not solely to adopt a child
- the adoption was in accordance with the laws of the country in which the child lives
- the adoption gives you full and permanent parental rights (i.e. the adoption severs the legal ties between the child and its birth parents).

or

- You have adopted the child under an arrangement between two (2) Hague Convention countries other than Australia.

Privately arranged adoptions

Australian State and Territory Adoption Authorities do not generally support privately arranged adoptions, including the adoption of children who are relatives. They will not help applicants/sponsors to meet the visa requirements for granting a visa to an adopted child.

The concept of adoption does not exist in the laws of some countries.

An adoption order which does not grant full parental rights to the adoptive parents is not acceptable for the grant of an Adoption visa.

As adoptive or prospective adoptive parents, you need to ensure that any privately arranged adoption is lawful in the child's home country.

There is no provision to grant a visa to a child who does not meet the circumstances for this visa even if an adoption, that is lawful in the child's home country, has occurred.

Important: If you want to proceed with an adoption from overseas, which has not been arranged by your Australian State and Territory Adoption Authority, it is strongly recommended you first seek legal advice both in Australia and in the country where the child lives.

Sponsorship requirements

The applicant must have been adopted or be in the process of being adopted by the adoptive or prospective adoptive parent who must act as sponsor for the child. Sponsors must be aged 18 years or over, and be one of the following:

- an Australian citizen
- the holder of an Australian permanent visa
- an eligible New Zealand citizen.

Age of child

The applicant must be under 18 years of age at the time their application is lodged. If the applicant is under 18 years of age at the time of application but will turn 18 before the application is decided, they will not be eligible for this visa.

Important: The applicant must be single and not any of the following:

- married
- in a de-facto relationship
- engaged to be married.

Health

The applicant must meet health requirements.

Character

Applicants who are 16 years of age or over must be of good character to enter or remain in Australia.

Reliance on social security

If the applicant, or their sponsor, is likely to become a high user of Australia's social security system, an Assurance of Support (AoS) from an Australian citizen or Australian permanent resident, may be required. If required, the department will advise how an Assurance of Support is obtained.

Obligations

The child must comply with all Australian laws and with any conditions imposed on their visa.

Sponsor obligations

As the sponsor, the adoptive or prospective adoptive parent must sign a sponsorship undertaking.

On signing this undertaking, the sponsor has the following obligations, and must:

- be responsible for all financial obligations to the Australian Government that the child might incur while they are in Australia
- ensure that adequate accommodation and financial assistance is available as required to meet the child's reasonable living needs. This assistance would cover the child's first two (2) years in Australia
- provide information and advice to help the child settle.

You are required to advise the department in writing if your circumstances change in a way that may effect the child's eligibility for this visa or your eligibility to sponsor the child.