

AGED PARENT (RESIDENCE) VISA SUBCLASS 804

MIGRATE TO AUSTRALIA AS AN AGED DEPENDENT RELATIVE

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 visa allows aged parents to remain in Australia permanently, with their children who are living in Australia.

This visa requires that you be sponsored by your child, or another eligible sponsor, in Australia.

This visa is for you if you are:

- Aged; and
- a parent of a child (natural, adopted or step child) who is a settled Australian citizen, settled permanent resident or settled eligible New Zealand citizen;

and either:

- at least half of your children are permanently resident in Australia; or
- you have more children living permanently in Australia than any other country.

Your spouse and other family members may be included in your application if they meet certain requirements.

What does this visa let me do?

This visa allows you and your dependent family members to live as Australian permanent residents in Australia.

You can also:

- work and study in Australia
- receive subsidised healthcare through Medicare and the Pharmaceutical Benefits Scheme (PBS)
- access certain social security payments (subject to waiting periods)
- be eligible to apply for Australian citizenship (subject to the residency eligibility criteria)
- sponsor people for permanent residence (subject to waiting periods).

You must meet the following requirements to be eligible for this visa.

Age requirements

- Men - Men must be 65 years or older to meet the age requirements.
- Women - Women should use the following table. The table shows the age at which a woman becomes eligible to apply for an Aged Parent visa.

Birth Date	Earliest date you can apply	Minimum Age
Before 30 June 1944	From 30 June 2007	63
1 July 1944 - 31 December 1945	Between 1 January 2008 - 30 June 2009	63.5
1 January 1946 - 30 June 1947	Between 1 January 2010 - 30 June 2011	64
1 July 1947 - 31 December 1948	Between 1 January 2012 - 30 June 2013	64.5
1 January 1949 and later	From 1 January 2014 onwards	65

Child in Australia

You must be the parent of a child who is settled in Australia as one of the following:

- an Australian citizen
- an Australian permanent resident
- an eligible New Zealand citizen.

Eligible sponsor

You must be sponsored by an eligible sponsor. Usually, your child will sponsor you. If your child is under 18 years you may also be sponsored by one the following:

- your child's spouse
- a close family relative or guardian of your child
- a close family relative or guardian of your child's spouse
- a community organisation.

Assurance of Support

You must have a commitment by a person prepared to provide you with an Assurance of Support.

An Assurance of Support must be given by the Sponsor or another person and they must be prepared to provide financial assistance to the applicant and any accompanying dependent family members so they do not need to rely on any government forms of support for two (2) years of residency in Australia repay any recoverable social security payments made to the applicant or their accompanying dependent family members in the first two (2) years of residency in Australia.

Balance of family test

The balance of family test requires that:

- half your children must be permanently resident in Australia
or
- you have more children permanently resident in Australia than any other overseas single country

Health

You must meet health requirements and will need to undergo a health examination.

Character

You must meet character requirements.

Debts to the Australian Government

You must repay, or have made arrangements to repay, any outstanding debts to the Australian Government, before a decision can be made on your application.

Limitations on applications

If you are in Australia, you may be prevented from applying for this visa if, for example:

- you do not hold a substantive visa (which is any visa other than a bridging visa, a criminal justice visa or an enforcement visa) and have had a visa cancelled or refused since they last arrived in Australia
- your last visa was granted on the condition that you would not be granted a substantive visa while you remain in Australia
- you hold a sponsored visitor visa
- you are in immigration detention
- you have previously applied for a protection visa.

Government benefits

If you are granted this visa you will have a waiting period before you are eligible to receive most social security payments.

You will not automatically receive the age pension in Australia if you are an aged parent.

Waiting periods are generally, two (2) years for most social security payments and ten (10) years for age and disability pension payments (exemptions may apply).

Waiting periods

Applicants for non-contributory parent visas may have to wait many years before being granted a visa, as the Government limits the number of places available each program year. To manage demand fairly, people who apply and meet core criteria for the grant of this visa, are placed in a global queue.

Because of long waiting periods, applicants may choose to apply for a Contributory parent visa where applicants (or their sponsor) pay a much larger visa application charge and Assurance of Support bond. Applicants (or their sponsor) are contributing to Government revenue and helping to offset some costs placed on the community by parent migration. The Government also limits the number of places available for Contributory parents each year, but there are more places available so the waiting period for grant of a Contributory parent visa is much shorter.

Australian Values Statement

If you are aged 18 years or over, you are required to sign an Australian values statement. The statement is included in your visa application form and all applicants aged 18 years and over will need to sign it to confirm that they will respect the Australian way of life and obey Australian laws. Before signing this statement you are required to have read, or had explained to you, material made available by the government on life in Australia which is contained in the Life in Australia book.