

CONTRIBUTORY PARENT VISAS (SUBCLASS 143) VERSUS AGED PARENT VISAS (SUBCLASS 804)

Background

We are often asked about alternatives to an expensive Contributory Parent visa application, particularly by those who are "Aged" (as defined – see below).

This factsheet explores some of the issues, and should be read in conjunction with our factsheet **Going Onshore to Apply – What you Need to Know**

We do not discuss in this factsheet the need for a "settled" sponsor, the balance of family test, or the Assurance of Support requirements, as these are common to all permanent residency visa applications. If you require guidance on these issues please discuss them with your contact at Go Matilda Visas, or telephone us to be put in contact with one of our visa advisors.

Our telephone numbers are at the foot of this factsheet.

Who is Aged?

The main visa applicant must be "aged" if a valid Aged Parent visa application is to be lodged.

Here are the requirements:

Men

Men must be 65 years of age, or older.

Women

Women are "aged" as shown in the following table.

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

A 143 visa application versus an 804

The headline factors impacting a decision on the visa pathway are typically cost versus timeframe:

- A subclass 143 visa application will be much quicker than an 804 – likely to be 18 months against 8 to 10 years
- A subclass 143 application is much more expensive, particularly for a couple. The DIAC Visa Application Charges for a subclass 143 total (at 1st July, 2013) A\$87,530. Adding the Assurance of Support Bonds, medicals, etc takes the total over \$100k. By contrast the VACs for a subclass 804 (at the same date) total \$8,180.

However, these are not the only issues to consider – the long timeline for the processing of an 804 Aged Parent application means that issues such as the health of the visa applicant/s must be factored into the decision.

In other words, what happens if the applicant or dependent spouse/partner becomes unwell with a material health condition while the visa application is awaiting a decision?

The context for this issue is the need for visa applicant/s to meet the health requirements attaching to the visa at the time the application is decided. Thus, a material condition that arises over the 8 to 10 year timeline in which the application is being processed can cause the health requirement to be a reason for visa refusal.

In such circumstances it is usual for a Medical Treatment visa (subclass 602) to be available, to allow the Aged Parent visa applicant to remain in Australia for medical treatment. It should be noted that this visa is a temporary residency visa, but a stay in Australia for several years on the 602 visa is not unknown.

In addition, where an individual is in Australia and has come from a country with which Australia has a Reciprocal Health Care Agreement it can reasonably be anticipated that emergency medical treatment will be available.

Australia has RHCAs with several countries:

- Belgium
- Finland
- Italy
- Malta
- Netherlands
- New Zealand
- Norway
- Republic of Ireland
- Slovenia
- Sweden
- United Kingdom

We recommend that those who are considering applying for a subclass 804 visa application familiarise themselves with the extent and limitations of available healthcare under the applicable RHCA. This can be done by contacting the Department of Human Services (Google search: human services RHCA participating countries).

Bridging Visas

*This subject is also discussed in our separate factsheet, **Going Onshore to Apply – What you Need to Know***

When an individual applies while physically in Australia for an onshore visa what is called a Bridging Visa is issued to maintain the visa applicant's lawful status upon the expiry of the last substantive visa: technically the BV comes into effect at the expiry of the last visa.

Thus, an individual who travels to Australia on a tourist visa or an Electronic Travel Authority (an ETA) and applies for a subclass 804 visa will have a Bridging Visa come into effect upon the expiry of the tourist visa/ETA.

BV's come in several forms; the BV issued to an onshore applicant who last held a valid substantive visa is usually a BVA.

A BVA allows the holder to remain lawfully in Australia while awaiting a decision on the onshore visa application. However, it does not allow the individual to depart Australia and to return – if the individual wishes to do this a separate application must be made for a Bridging Visa B.

However, a BVB is not granted automatically: a case must be made to the Department of Immigration showing a "substantial reason" for travel.

Importantly, when the specified travel period of your BVB ends, if you are still outside Australia the BVB will cease and you will not be able to use it to return to Australia. If you do not also hold a substantive visa that allows you to return, you will have to apply for another visa before you could return to Australia. There is no guarantee that you will be granted a visa.

An intending Aged Parent visa applicant should bear this issue in mind if s/he decides to apply for an 804 visa and has issues that require attention in his/her home country, such as selling one's house.

The shipment of personal possessions to Australia when holding a BV should also be discussed with a knowledgeable shipping company.

Condition 8503

Condition 8503 is pivotal to the question of whether or not a subclass 804 visa application is a possible strategy: if an 8503 condition attaches to the last visa on which you entered Australia you cannot apply for another visa while you are in Australia.

An 8503 condition can be imposed on a visa at the discretion of a Department of Immigration decision maker, but is (in our experience) not usually imposed on those travelling to Australia from the UK as the holders of ETAs.

If condition 8503 applies, the number **8503** will be printed on your visa label, or it should be advised in the communication from the Department of Immigration advising of the grant of the visa which you have used to enter Australia.

It is possible to have condition 8503 waived upon an application being granted, but this is not a definite outcome, and ought not be relied upon as a strategy. Seeking a waiver of condition 8503 is outside the scope of this fact sheet – please contact us if you have an 8503 condition attached to a currently valid visa and require formal assistance with a waiver request.

Summary

The cost of a subclass 143 Contributory Parent visa has increased significantly over the last few years, and has become more expensive as the A\$ has strengthened against other currencies. An Aged Parent visa application may therefore be an alternative – so long as applicants and their family in Australia are mindful of the risks, as discussed above.

Go Matilda Visas is available to assist with individuals who wish to apply for any type of parent visa application, including applications under subclasses 143 and 804. Our fees are discussed in advance of any commitment to us, are fixed in amount, and are payable in two stages.

Support is provided to subclass 804 visa applicant clients throughout the application process, for the same fixed fee as is agreed at the outset.

If you are considering a parent visa application of any type please feel able to telephone us to discuss your visa options and how we might help. If you telephone Go Matilda Visas there is no obligation to instruct us.

Our contact details are as follows:

Onshore

- Melbourne: 03 9935 2929
- Perth: 08 9261 7762
- Brisbane: 07 3112 2925

Offshore

- Southampton: 023 80 30 25 25
- Singapore and SE Asia: +65 6248 4739
- Spain: +34 952 76 83 62

Caveat

The above is necessarily an overview of several aspects of Australia's migration legislation. While we consider the contents are factually correct we take no responsibility for any reliance placed on them.

If you require advice on which you can rely we strongly recommend that formal instructions are given to a competent migration advisor that is regulated by Australia's Migration Agents Registration Authority (the MARA).