

#### Immigration and citizenship

#### Subclass 802

## Child visa

This visa allows a child to stay in Australia permanently and live with their parents.

Personalise this page...

For Applicants

For Sponsors

## Overview

#### Stay

Permanently

#### Cost

From AUD3,055.00

#### **Processing times**

For an indication of processing times for this visa, use the visa processing time guide tool (/visas/getting-a-visa/visa-processing-times/global-visa-processing-times). This will show the processing times for recently decided applications. It is a guide only and not specific to your application.

#### With this visa the child can

- migrate to Australia as a permanent resident
- study and access Medicare (https://www.humanservices.gov.au/individuals/medicare)
- apply for Australian citizenship (/citizenship/become-a-citizen) if eligible

See all conditions (/visas/already-have-a-visa/check-visa-details-and-conditions/see-your-visa-conditions?product=802)

Check your eligibility (#Eligibility)

#### The child must

• be a dependent child of a parent who is an Australian citizen, eligible New Zealand citizen or holder of an Australian permanent visa

Ask a question

• be under 18 years, a full-time student aged over 18 and under 25, or over 18 and unable to work due to a disability

- be single and dependent on the parent
- be in Australia when the application is made and when we make our decision

#### Help with your visa

If you are getting help with your visa, before you pay someone, read information on Who can help with your visa application (/help-support/who-can-help-with-your-application/overview).

## About this visa

- With this visa the child can (#aboutVisa-index-0)
- How long the child can stay (#aboutVisa-index-1)
- Include other children (#aboutVisa-index-2)
- Cost (#aboutVisa-index-3)
- Apply from (#aboutVisa-index-4)
- Processing times (#aboutVisa-index-5)
- The child's obligations (#aboutVisa-index-6)
- Visa label (#aboutVisa-index-7)

## With this visa the child can

- stay in Australia indefinitely
- · work and study in Australia
- enrol in Australia's public healthcare scheme, Medicare (https://www.humanservices.gov.au/individuals/medicare)
- sponsor relatives to come to Australia
- apply for Australian citizenship (/citizenship/become-a-citizen), if eligible

## Travel to and from Australia for 5 years

The child can travel to and from Australia as many times as they want for 5 years from the date we grant this visa. This is as long as the travel facility of this visa remains valid.

If the child wants to travel after the initial 5-year travel facility:

- they will need to apply for and be granted a Resident Return (RRV) (/visas/getting-a-visa/visa-listing/resident-return-visa-155-157) visa so they can re-enter Australia as a permanent resident
- they might also want to consider Australian citizenship. If they become an Australian citizen, they don't require a visa to re-enter Australia. See more about eligibility requirements and current processing times for Australian citizenship

To see when the child's travel facility ends, use VEVO (https://online.immi.gov.au/evo/firstParty?actionType=query).

## How long the child can stay

This is a permanent visa. It lets the child stay in Australia indefinitely.

The child becomes a permanent resident the day we grant the visa.

## Include other children

If the child has siblings who also want to apply, submit separate applications for each sibling.

The child's dependent children can be included on their application when they apply or at any time before we decide the application.

Dependent children of the child who apply for the visa must meet our <u>health requirement</u> (/help-support/meeting-our-requirements/health).

Family members who are not coming to Australia might also have to meet our health requirement.

#### Cost

The visa costs AUD3,055.00 for the main applicant.

There is also a charge for each dependent child who applies for the visa with you.

There might be other costs for health exams (/help-support/meeting-our-requirements/health), police certificates and biometrics.

To work out what your visa will cost, use the <u>Visa Pricing Estimator (/visas/visa-pricing-estimator?visa=802)</u>. The estimator does not take into account the other costs.

## **Apply from**

The child must be in Australia, but not in <u>immigration clearance</u>, when the application is submitted and when we make a decision.

The child can't apply for this visa if they are in Australia on another visa with a no further stay condition.

## **Processing times**

For an indication of processing times for this visa, use the <u>visa processing time guide tool</u> (<u>/visas/getting-a-visa/visa-processing-times/global-visa-processing-times</u>). This will show the processing times for recently decided applications. It is a guide only and not specific to your application.

The application might take longer to process if:

- it is not filled in correctly
- it does not include all the documents we need or we need more information
- it takes us time to verify the information

We can't process the application if the correct visa application charge is not paid. We will advise if this is the case and if necessary return the application.

## The child's obligations

The child and any dependants must obey all Australian laws.

## Visa label

We will digitally link the visa to the child's passport. They will not get a label in their passport.

## Eligibility

# Be dependent on their parent who is an Australian citizen, eligible New Zealand citizen or Australian permanent visa holder

The child must be dependent on a parent who is an:

- · Australian citizen
- Eligible New Zealand citizen
- · Australian permanent visa holder

They can be their parent's:

- · biological child
- adopted child
- stepchild (only from a former parent)

A child does not meet the dependency requirement, if the stepparent is the current spouse or de facto partner of the child's biological or adopted parent.

## Adopted children

To be eligible for this visa, the adoption must have been finalised before the child turned 18.

The adoption can have happened either before or after the parent became an Australian citizen, Australian permanent visa holder or eligible New Zealand citizen.

If the child was adopted after their parent became an Australian citizen, Australian permanent visa holder or eligible New Zealand citizen, they must have been adopted:

- through an intercountry adoption with the involvement of an <u>Australian state or territory central authority</u> (<a href="http://www.intercountryadoption.gov.au/post-adoption-support/state-territory-support/">http://www.intercountryadoption.gov.au/post-adoption-support/state-territory-support/</a>), Or
- through an intercountry adoption by arrangement between two countries (other than Australia) that are parties to the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption (the Hague Adoption Convention), or
- if no Australian state or territory central authority was involved, through an expatriate adoption by an Australian citizen, an eligible New Zealand citizen or the holder of an Australian permanent visa who has been living outside Australia for more than 12 months before the adoption was finalised

Learn more about adopting a child overseas from <u>Intercountry Adoptions Australia</u> (http://www.intercountryadoption.gov.au/).

It is recommended that you obtain independent legal advice both in Australia and in the child's country of usual residence before proceeding with an expatriate adoption as there are risks for both the child and the adoptive parents in this process.

## Stepchildren

To be eligible for this visa, a stepchild must:

- · be the child of their step-parent's former partner
- be aged under 18.

The step-parent must also have either:

- an Australian parenting order in force that says the child is to live with them and be looked after by them, or
- guardianship or custody of the child under an Australian law or the law of another country.

#### Citizenship by Descent

The child may apply for <u>Australian citizenship by descent</u> (/citizenship/become-a-citizen/by-descent) instead of a visa to travel to Australia. if:

- the child was born outside Australia
- one of their parents was an Australian citizen at the time of their child's birth.

## Have a sponsor

The child must be sponsored by an eligible parent or their parent's spouse or de facto partner.

We must approve the sponsorship. We might not approve sponsorship if the sponsor or their <u>partner</u> has been charged or convicted of offences involving children. Learn more about <u>measures for the protection of children</u> (visas/getting-a-visa/visa-listing/child-101/measures-for-the-protection-of-children).

## Be this age

The child must be either:

- under 18 years old, or
- over 18 and under 25 years and studying full time, or
- over 18 years with a disability

## If the child is over 18 and under 25 years and studying full time

If the child is over 18 and under 25 years old they:

- must be a full-time student when they apply and when the visa application is decided
- · can't work full time
- must be financially dependent on their parent more than any other person

The child is a full-time student if they are:

- enrolled in a full-time course that leads to a professional, trade or vocational qualification
- attending classes

The child should have started study since turning 18 years of age or within 6 months (or a reasonable time) of finishing school. Any gaps of more than 6 months between their final year of school and the start of their further studies must be explained.

## If the child is over 18 years with a disability

If the child is 18 years or older with a disability, they:

- must have totally or partially lost their bodily or mental functions
- · can't work full time
- must be financially dependent on their parent

## Have no partner

The child:

- can't be married or in a de facto relationship
- · can't be engaged to be married

If the child is over 18, they must never have been married or had a de facto partner.

## Meet the health requirement

The child and any of their dependent children who apply for the visa with them must meet our <u>health requirement</u> (/help-support/meeting-our-requirements/health).

Dependent children who are not applying for the visa might also need to meet our health requirement.

## Meet the character requirement

If the child is aged 16 years and over they must meet our <u>character requirement (/help-support/meeting-our-requirements/character)</u>.

We might also ask that their dependent children who apply for the visa with them meet the requirement.

## Have paid back debt to the Australian Government

If the child or any member of their family owes the Australian Government money, it must be paid back or there must be a formal arrangement to pay it back.

## Sign the Australian values statement

Children aged 18 or older must:

- have read, or had explained to them, the Life in Australia (/help-support/meeting-our-requirements/australian-values) booklet
- sign the Australian Values Statement (/help-support/meeting-our-requirements/australian-values) confirming they will obey Australian laws and respect the Australian way of life

## Not have had a visa cancelled or a previous application refused

We will consider the child's immigration history when we make a decision on the application, which means the child might not be eligible for this visa if they have had a visa cancelled or refused.

In some circumstances, the child may still apply for a permanent visa if they have had a visa cancelled or an application refused, see Limitations on applications in Australia (129KB PDF) (/form-listing/forms/1026i.pdf).

If applying for a visa from outside Australia, see <u>Can I go to Australia (/entering-and-leaving-australia/entering-australia/can-i-go-to-australia/re-entry-ban)</u>.

If immigration assistance is needed, see Who can help with your visa application (/help-support/who-can-help-with-your-application/overview).

## Have consent to migrate to Australia

We will only grant this visa to a child younger than 18 years if either:

- the child has the written consent of everyone who can legally decide where they live, or
- the laws of the child's home country allow them to leave their home country, or
- it is consistent with any <u>Australian child order</u> (<a href="https://www.ag.gov.au/FamiliesAndMarriage/Families/InternationalFamilyLaw/Pages/Registrationofoverseaschildorders.aspx">https://www.ag.gov.au/FamiliesAndMarriage/Families/InternationalFamilyLaw/Pages/Registrationofoverseaschildorders.aspx</a>) about the child

## Best interests of the child

We might not grant this visa if it is not in the best interests of an applicant under 18.

Meet all these criteria? Check how to apply in our step by step (#HowTo) guide.

## Step by step



Step 1

## Before you apply

Check the child's passport is valid. Tell us if someone is acting on the child's behalf.

#### Get help with your application

Only some people can help you with your application. If you appoint someone to give you immigration assistance they must be:

- a registered migration agent (/help-support/who-can-help-with-your-application/using-a-migration-agent)
- a legal practitioner (/help-support/who-can-help-with-your-application/using-a-legal-practitioner), Or
- an exempt person (/help-support/who-can-help-with-your-application/exempt-person).

You can appoint anyone to <u>receive documents</u> (/help-support/who-can-help-with-your-application/authorised-recipents) on your behalf relating to your visa matter.

Step 2

## **Gather your documents**

Provide documents in support of the visa application.

#### Provide accurate documents

Provide accurate information. See what happens if the child's identity can't be established or  $\underline{\text{false}}$  information is provided (/help-support/meeting-our-requirements/providing-accurate-information).

#### **Identity documents**

Provide the pages of the child's current passport showing their photo, personal details, and passport issue and expiry dates.

Also provide:

- a national identity card, if they have one
- proof of change of name

Documents that prove a change of name include:

- change of name documents from an Australian Registry of Births, Deaths and Marriages, or the relevant overseas authority
- documents that show other names the child has been known by

If the child was adopted, provide certified copies of the adoption papers or the adoption compliance certificate.

#### **Travel documents**

Provide a certified copy of the passport or travel document the child used to enter Australia and any passports the child has held since then.

#### **Photographs**

Provide 4 recent passport-size photos (45mm x 35mm) of the child and for any dependent child included in the application.

Photographs must be:

- passport-size (45mm x 35mm)
- less than 6 months old
- good quality colour. We don't accept laser copies
- a full-face view of your head and shoulders
- taken against a plain light-coloured background

The child can wear untinted prescription glasses. If the child wears a head covering for religious reasons, they can show only their face.

#### Child's relationship to the parent

Provide evidence the child is related to their parent, such as:

- · a birth certificate
- · a marriage certificate
- a family status certificate or family book, if officially issued and maintained

If the child was adopted, provide the child's adoption papers or adoption compliance certificate.

Where an adoption involved an Australian state or territory central adoption authority, including a letter supporting the adoption.

If the child was adopted through an expatriate adoption process, provide evidence that:

- at least one of the adoptive parents lived outside Australia for more than 12 months before the adoption was finalised
- the adoptive parent did not arrange to live overseas so they could avoid Australia's intercountry adoption laws
- the adoptive parent has full and permanent parental rights, with no remaining legal ties between the child and the birth parents
- the child was adopted in line with the adoption laws of their home country

#### **Financial documents**

If the child is over 18 when the application is made, provide evidence the child is dependent on their parent for basic needs such as food, shelter and clothing, and how long this support has been provided. Evidence could include:

- bank statements
- money transfers
- rent receipts

#### **Applicant circumstances documents**

Depending on the child's situation, we might require other documents.

#### Applicants aged 18 to 25 years studying full time

Provide evidence the child is enrolled and actively participating as a full-time student in a post-secondary course of study.

Provide a statement to explain any gaps longer than 6 months between their final year of secondary school and further studies.

#### Applicants aged 18 or older with disability

Provide evidence from a qualified medical practitioner the applicant has a total or partial loss of mental or body function that stops them from working.

#### **Dependants under 18 documents**

For every dependant under 18 years old who is applying with the child, provide:

- · identity documents
- travel documents
- proof of the child's relationship with the dependant, like a birth or marriage certificate
- character documents, if applicable

#### Parental responsibility documents

You must get consent for any applicant under 18 years of age to migrate to Australia from anyone who has a legal right to decide where the child lives.

They must complete either:

- Form 1229 Consent form to grant an Australian visa to a child under the age of 18 years (276KB PDF) (/form-listing/forms/1229.pdf)
- a statutory declaration giving their consent for the child to stay Australia on this visa

Include an identity document with the signature and photo of the person who completed the form or declaration, such as a:

- passport
- · driver's licence

Alternatively, you can show us:

- an Australian court order that allows your child to migrate to Australia, or
- that the laws of the child's home country allow them to leave their home country

#### **Character documents**

We might ask you to provide an Australian state or territory police certificate if you have lived in an Australian state or territory for at least 12 months.

If you have lived for at least 12 months in an overseas country, we might ask you to provide a police certificate from that country.

If anyone included in the application has served in the armed forces of any country, they must provide their military service record or discharge papers.

Children over 16 years of age must complete and provide Form 80 Personal particulars for assessment including character assessment (596KB PDF) (/form-listing/forms/80.pdf).

#### Tell us you are getting help

To nominate someone to:

- receive your correspondence, use <u>Form 956A Appointment or withdrawal of an authorised</u> recipient (301KB PDF) (/form-listing/forms/956a.pdf)
- provide immigration assistance, use <u>Form 956 Appointment of a registered migration agent, legal practitioner or exempt person (308KB PDF) (/form-listing/forms/956.pdf)</u>.

Send written notification or your forms with your paper application.

#### **Prepare your documents**

#### **Translate**

Have all non-English documents translated into English.

Translators in Australia must be accredited by the <u>National Accreditation Authority for Translators</u> and Interpreters *(https://www.naati.com.au/)*.

Translators outside Australia do not have to be accredited. But on each translation, they must include their:

- full name
- address and telephone number
- qualifications and experience in the language they are translating

These details must be in English.

#### Certify

Do not certify police certificates. You need to send us the originals.

Have all other documents <u>certified</u> (/help-support/applying-online-or-on-paper/on-paper/certified-copy). This includes:

- non-English documents
- English translations

Photographs of the applicant and any of their dependent children included in the application must also be certified.

#### Keep

Keep a copy of your completed application.

#### Send

Send us:

- original police certificates
- certified copies of all other documents
- as much information as possible to help us decide your application
- each document only once, even if it is evidence of more than one thing
- all documents with your application, if you can

#### Step 3

## Apply for the visa

You must apply for this visa on paper.

#### **Provide accurate information**

Provide accurate information. See what happens if you can't prove your identity or don't provide true information (/help-support/meeting-our-requirements/providing-accurate-information).

#### Apply on paper

Complete the following 2 forms and send them together:

- Form 47CH Application for migration to Australia by a child (564KB PDF) (/form-listing/forms/47ch.pdf)
- Form 40CH Sponsorship for a child to migrate to Australia (544KB PDF) (/form-listing/forms/40ch.pdf)

The forms must be completed in English.

Pay for the application before it is submitted using the online portal payment function in <a href="ImmiAccount">ImmiAccount</a> (/help-support/applying-online-or-on-paper/online). Include evidence the application is paid for with your application. For other payment options see <a href="how to pay">how to pay</a> (/help-support/applying-online-or-on-paper/online/how-to-pay).

Applications for this visa can't be submitted in person. Send the application by post or courier to the Child and Other Family Processing Centre in Perth at the address on the form. Include all required documents and forms with your application.

If any of the above steps are incomplete, your application may be invalid. We do not process invalid applications. We will notify you if this is the case, and if requested, return your application.

Do not send original documents with your application, only send <u>certified copies</u> (<a href="https://immi.homeaffairs.gov.au/help-support/applying-online-or-on-paper/on-paper/certified-copy">https://immi.homeaffairs.gov.au/help-support/applying-online-or-on-paper/on-paper/certified-copy</a>). Keep a copy of your completed application for your own records, including any supporting documents.



## After applying

We will let the applicant know when we have received the application and documents. There might be other things to do or be aware of after applying.

#### Status updates

We can't provide updates on the progress of the child's application within normal processing times. We will let you know if we need anything further.

#### **Travel**

Tell us if the child needs to travel outside Australia while we process their application. We need to know because the child must be in Australia when we make our decision.

If you leave Australia, make sure the child has a valid visa to return.

Learn about visa expiry (/visas/visa-about-to-expire).

#### **Health exams**

We will let you know when to arrange the child's <u>health examinations</u> (/help-support/meeting-our-requirements/health).

#### **Biometrics**

We might ask for biometrics. We will let you know if the child needs to provide them.

#### **Send more information**

If you lodged the application on or after 1 April 2020:

 You can provide any necessary documents (that you did not provide with the application) to the Child and Other Family Processing Centre in Perth by using this <u>online form</u> (<a href="https://immi.homeaffairs.gov.au/help-support/departmental-forms/online-forms/child-and-orphan-relative-visa-processing-centre-form">https://immi.homeaffairs.gov.au/help-support/departmental-forms/online-forms/child-and-orphan-relative-visa-processing-centre-form</a>).

If you lodged the application **before April 2020**:

• You can provide any necessary documents (that you did not provide with the application) to the processing office using this online form (https://immi.homeaffairs.gov.au/help-support/departmental-forms/online-forms/child-and-orphan-relative-visa-processing-centre-form) or using the method advised in the acknowledgement letter.

We might also ask you to provide more information.

#### Stay lawful

Make sure the child stays lawful by holding a valid visa while we process their application.

When the visa application was made, the child was granted a bridging visa associated with the application. If their current visa expires before we make a decision, the bridging visa will start. The child can stay in Australia on the bridging visa while we process their new visa application.

Learn more about visa expiry (/visas/visa-about-to-expire).

#### Add family members

You can add the child's dependent children to the their visa application any time before we make a decision.

#### Newborn children

Find out what to do if your child is born after you apply (/change-in-situation/had-a-baby).

#### Mistakes on your application

Let us know as soon as you can.

Complete Form 1023 Notification of incorrect answers (168KB PDF) (/form-listing/forms/1023.pdf).

#### Help with your application

Let us know if you no longer want someone to:

- receive your correspondence complete Form 956A Appointment or withdrawal of an authorised recipient (301KB PDF) (/form-listing/forms/956a.pdf)
- provide immigration advice complete Form 956 Appointment of a registered migration agent, legal practitioner or exempt person (308KB PDF) (/form-listing/forms/956.pdf).

Send written notification or your forms to the office your submitted your application.

For more information see Who can help you with your application (/help-support/who-can-help-with-your-application/overview).

#### Tell us if things change

Things you need to let us know about include:

- changes to the child's phone number, address or passport
- changes to the child's relationship status
- the child is over 18 and stops studying full-time or starts working full-time
- · the birth of a child
- you want to withdraw the application

See how to tell us if your situation changes (/change-in-situation).

#### Step 5

## Visa outcome

The child must be in Australia when we make our decision.

We will let you know our decision in writing.

If we grant the visa, we will advise:

- · the visa grant number
- the date your visa starts
- · any visa conditions

Keep a copy of the grant letter with you when in Australia.

If we refuse the child's visa, we will advise:

- why we refused the visa
- · any rights of review

We will not refund the application charge if we refuse the application.

## When you have this visa

In Australia (#haveThisVisa-index-0)

Leaving Australia (#haveThisVisa-index-1)

## In Australia

## The child's obligations

The child and family members must obey all Australian laws.

## Tell us if things change

Things we need to know about include:

- · changes to the child's passport
- · the birth of a child
- · changes of name

See how to let us know if there is a change in the child's situation (/change-in-situation).

## See how long the child can stay

This is a permanent visa. It lets the child stay in Australia indefinitely.

The child becomes a permanent resident the day we grant the visa.

## Travel to and from Australia for 5 years

The child can travel to and from Australia as many times as they want for 5 years from the date we grant this visa. This is as long as the travel facility of this visa remains valid.

If the child wants to travel after the initial 5-year travel facility:

- they will need to apply for and be granted a Resident Return (RRV) (/visas/getting-a-visa/visa-listing/resident-return-visa-155-157) visa so they can re-enter Australia as a permanent resident
- they might also want to consider Australian citizenship. If they become an Australian citizen, they don't require a visa to re-enter Australia. See more about eligibility requirements and current processing times for Australian citizenship

To see when the child's travel facility ends, use VEVO (https://online.immi.gov.au/evo/firstParty?actionType=query).

## Working

The child may be able to work or study in Australia from the date we grant this visa. They are protected by Australian workplace law. See their workplace rights and entitlements (https://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/rights-and-obligations/visa-holders-and-migrant-workers-workplace-rights-and-entitlements).

## Bringing a family member

You can't add a family member after we have decided the application.

If we have made a decision on your visa and you want to bring a family member to Australia, you will need to submit a new visa application for them.

To find a visa for your family member, explore visa options (/visas/getting-a-visa/visa-finder).

#### Becoming an Australian citizen

After a certain time, the child might be eligible for Australian citizenship. Find out more about <u>becoming a citizen</u> (/citizenship/become-a-citizen).

For citizenship purposes, the child's permanent residence starts the day we grant the visa.

## **Leaving Australia**

#### Before the child leaves

The child must have a valid passport or other travel document to leave Australia.

Check if the child needs a Resident Return visa to return to Australia as a permanent resident in <u>VEVO (/visas/already-have-a-visa/check-visa-details-and-conditions)</u>.

#### At the border

#### Leaving the airport faster

We have an automated process that uses facial recognition technology and your ePassport. You might be able to leave the airport faster if you use SmartGate (https://www.abf.gov.au/smartgates).

#### After the child leaves

#### Prove the child has been to Australia

Request the child's international movement records (https://immi.homeaffairs.gov.au/entering-and-leaving-australia/request-movement-records) to get proof of their travel in and out of Australia.

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