

IMMIGRATION NEWS

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What To Do With Offshore Family Members?



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Dear Students

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What To Do With Offshore Family Members?

Many students bravely come to Australia to study without their immediate family members, spouse and children. Most Australians who live their life of comfort never considering moving offshore have little idea of how difficult such a task of studying and being separated from loved ones can be.

There are also a large number of students whilst completing their studies return home to get married during the holiday breaks or after they have completed their course. This is particularly customary in the Indian and Bangladeshi communities where family have the majority say in who their children marry.

In both of these scenarios it can be quite difficult in trying to work out how your family can become permanent residents with you at the end of your studies. Most students realise by now that to gain access to the onshore visa's after study all the applicant(s) need to hold the appropriate student visas (or have held in the last 6 months before applying) and be in Australia at the time the application is lodged.

Keeping this in mind we will cover a few possibilities for students with families to consider.

Important: All of the scenarios below refer to family members who are offshore and do not hold visa's to enter Australia.

- 1) **Arrange your family to obtain a student dependent visa whilst you are completing your course.**

It can often take 3-4 months for this visa to be granted offshore so make

sure you plan ahead and don't leave it until you nearly finish your course. Once this visa is granted they can remain overseas until they are ready to come.

Your family do not need to be here for any particular time before you lodge the onshore eGSM visa together. In fact they can arrive in Australia one day before you lodge your application and you will be all granted the bridging visa as a family unit. When the visa is granted you will obtain it all together.

If you didn't declare that you were married when you lodged your original student visa to come to Australia then do not expect the dependent visa when lodged later will be successful. Many people have had their student dependent visa applications rejected offshore for this reason alone.

Advantages:

- a) Most direct path. It is possible to access the permanent and temporary residency visa's straight after your course completion as a family unit.

Disadvantages:

- a) Dealing with the offshore embassy which processes these applications can be difficult. If you have nearly finished your course before you do this you may run out of time to have the visa granted before your own visa expires.
- b) You need to demonstrate additional finances to support your family during the term of the visa validity regardless that they may plan to arrive in Australia at a later date.

2) Apply for the 485 visa by yourself and then once it is granted apply for your family for the 485 visa as dependents whilst they are offshore.

If it is not possible to obtain your family a student dependent visa due to time or money restrictions then this visa is your next best choice.

Remember you must wait for the 485 visa to be granted before you can use this method. You can not apply for them as dependents to be included in your application at the time you lodge or whilst you are on the bridging visa A waiting for the 485 visa to be granted.

Advantages:

- a) Cost. At \$190 it's cheaper than a student visa application (\$430).
- b) It is lodged and processed in Australia.
- c) Once granted your family can come to Australia and then apply for the onshore eGSM permanent or temporary visas together.
- d) You will have multiple travel permission when the 485 visa is granted so you can go home and wait with your family if you like.

Disadvantages:

- a) Waiting period. It will take time to have the 485 visa granted and then again time when you lodge your family's application.

However the 485 visa is valid for 18 months so there should be plenty of scope to complete this process before it expires.

- b) Your family will have to wait offshore whilst all this is completed.

3) Apply for the onshore eGSM permanent resident applications by yourself then sponsor your family later.

Once you have obtained permanent residency status you may then sponsor your family with one of the permanent residency family migration visas.

Advantages:

- a) You will obtain your PR visa under the rules current at the time you lodge. This will give you security just in case something changes whilst you are waiting for your dependents to arrive such as the pass mark increasing or the law changing without notice. However based upon past experience these occurrences would be unlikely without prior warning.

Disadvantages:

- a) Costs. It will cost you another permanent residence application fee when you sponsor your family.
- b) Time. They will have to wait offshore during this process (for offshore applications) and this can easily be 6-9 months.

4) Apply for an offshore visa such as the 175 or 176 subclasses.

These visas's can take around 12 months to process on average and use exactly the same point system as the onshore 885 and 886 subclasses. The offshore categories do not give any bridging visa to stay in Australia whilst being processed and you must be outside of the country when the visa is granted. To stay in Australia whilst it is being processed you may apply for the 485 Graduate visa.

Advantages:

- a) You can add offshore family members to your application when you apply or even after you apply but before the visa has been granted. For example you may actually get married after you apply for these visa's and therefore they can be added since becoming a member of your family unit;
- b) You may gain the benefits your spouse in the application by claiming the extra 5 spouse points if they have the skills, work experience and English level required;
- c) You can remain home with your family enjoying quality time with them before leaving permanently to set up your life in Australia.
- d) You may have a lucrative job offer overseas for a few years but do not want to miss out on the opportunity of gaining permanent residence in Australia for a later time. The longer processing time will then be a bonus to you and even after the

visa is granted you do not have to move straight back to Australia for a while.

- e) You can remain in Australia working full time on your new 485 visa (18 months) whilst your offshore visa is being processed and there is a good chance it may be ready to grant before the 485 expires. Then just go home pick up the visa and the family and come back together.

Disadvantages:

- a) With the 175 subclass you have no right to appeal if your application is rejected for some reason. With the 176 visa you do have appeal rights if your sponsor wishes to apply for review;
- b) Processing times which at the moment can be over 12 months can be too long for many people to wait for;
- c) You have to leave Australia to have the visa granted and have the visa evidenced in your passport.

Next Newsletter?

A look at the Northern Territory State Sponsorship program.

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