



**The Hon Chris Bowen MP**  
Minister for Immigration and Citizenship



**The Hon John Murphy MP**  
Chair  
Standing Committee on Petitions  
Member for Reid  
PO Box 6021, Parliament House  
CANBERRA ACT 2600

Dear Mr Murphy

Thank you for your letter of 19 March 2012 concerning the petition lodged with the Standing Committee on Petitions by friends of Mrs | . I apologise for the delay in responding.

I understand from the petition that Mrs | wishes to migrate to Australia to be closer to her brother and the friends she has made during her visits.

The Australian Government acknowledges that there is value in family members migrating to Australia, as recognised in the recent Federal Budget announcement with an increase in the migration program places for the 2012-13 financial year.

As there are a limited number of places available however, the Government must balance the demand for Family stream visas. As such, priority is given to partners, dependent children and carers of Australian citizens, permanent residents and eligible New Zealand citizens. Proportionately fewer places are made available to non-dependent family members such as parents, adult siblings, adult children and other relatives.

The Remaining Relative visa is for applicants (and their spouses or de facto partners) who have no near relatives usually resident outside of Australia. A near relative is a parent, sibling, non-dependent child or their step equivalent. This is an objective legal requirement which cannot be waived, and there is no discretion to consider the nature and quality of such relationships.

I appreciate the disappointment of Mrs | and her friends that she does not meet the requirements for the Remaining Relative visa because of her adult children living outside of Australia. Nevertheless, I can confirm that there are no plans to broaden the eligibility criteria for this visa to allow a greater flexibility in such circumstances.

All people wishing to migrate or remain permanently in Australia must first apply through my Department and meet the legal criteria for grant of a particular visa. Australian migration law only permits me to intervene in limited circumstances where a decision has been made by the Department to refuse a visa application, and that decision has been reviewed by the Migration Review Tribunal. As Mrs [redacted] has not had an application reviewed by this tribunal, I am unable to intervene in her case.

Thank you for bringing this matter to my attention.

Yours sincerely

**CHRIS BOWEN**

17 JUL 2012