

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 21- 22 MAY 2012

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(BE12/0185) Program 1.1: Visa and Migration

Senator Cash (L&CA 62) asked:

Provide the reasons why a prospective marriage visa might be refused.

Answer:

A Prospective Marriage visa application may be refused for any of the following reasons:

Sponsorship related reasons

- The sponsor is not an Eligible New Zealand citizen, Australian citizen or Australian permanent resident;
- The sponsor was granted a Woman At Risk visa in the five years immediately prior to the current Partner visa application and, at that time, the partner visa applicant was:
 - the sponsor's former spouse or de facto partner; or
 - the sponsor's spouse or de facto partner and the relationship was not declared to the Department.
- The sponsor was granted a Partner or Prospective Marriage visa, having been sponsored by another person, in the five years immediately prior to the current Partner visa application (the visa may be granted if compelling circumstances affecting the sponsor exist);
- The sponsor had successfully sponsored, under the Partner visa category:
 - one other person within the five years immediately preceding the current Partner visa application; or
 - two other people in total (applies to applications lodged on or after 1 November 1996)
(the visa may be granted if compelling circumstances affecting the sponsor exist)
- The sponsor holds or previously held a Contributory Parent visa (Subclass 143) or Contributory Aged Parent visa (Subclass 864) and less than five years have passed since that visa was granted, unless the visa applicant had compelling reasons, other than reasons related to their financial circumstances, for why they did not apply for the Subclass 143 or 864 at the same time as their partner or, if they had applied, why they withdrew that application;

Character and Public Interest related reasons

- The sponsor's character is of concern and the applicant and/or dependent applicants are under the age of 18;
- The applicant fails to meet Public Interest Criteria (PIC) related to health or character;
- In the case of an applicant who has previously entered Australia, they fail to satisfy special return PICs;
- The applicant has previously had a visa cancelled under the relevant Character provisions of the Migration Act including s501, s501A and s501B.

Relationship related reasons

- The couple has not met and are not known to each other personally;
- The couple do not satisfy the delegate that they:
 - genuinely intend to marry and that the intended marriage will take place within the visa period; or
 - intend to live together as spouses;
- There is an impediment to the marriage in Australian law (for example, either party is still legally married to another person);

Other reasons

- In relation to a secondary applicant, the applicant is not a member of the family unit of the primary applicant;
- In relation to a secondary applicant who is under the age of 18:
 - their removal from their home country is not permitted;
 - the grant of the visa would not be in their best interests;
- The applicant has an outstanding debt to the Commonwealth and has not made appropriate arrangements for repayment;
- The applicant is in Australia at the time the visa is ready to be granted, unless they hold a temporary Emergency visa (Subclass 303).