

Immigration

Migration
Law

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Migration is one of the fastest evolving areas of Australian law.

As regulations change frequently, staying on top of the requirements and your options can be daunting. This fact sheet provides the basic outline to successfully apply for an Australian visa, permanent residency (migrant) or citizenship.

There are many avenues to take, and one fact sheet cannot cover it all. The Australian Government's Department of Home Affairs site can give you further information on the topics covered here and is a good general resource of official information: www.homeaffairs.gov.au.

While anyone can file for immigration, only an immigration lawyer or agent will ensure the best outcome considering your personal circumstances and proper application, so it is worth the investment to get the right advice.



At Altria, we provide advice you can understand, in a straightforward, clear and concise manner.

This fact sheet provides an overview of the process and factors to consider during Australian immigration.

If you require more details or wish to discuss your matter, please call or email us on
Tel- (02) 9134 5851
Em- info@altrialaw.com

The law is on your side

altria

Good to know

- There are many factors to Australian visas, permanent residencies and citizenship. Please feel free to contact us to discuss your matter in a no-obligation initial consultation so we can provide you tailored advice.

There are three ways to reside in Australia



1. TEMPORARY VISAS

Where you visit for an extended period for recreation, work, study or other specialty reasons.



2. PERMANENT RESIDENCY

Where you live and work in Australian indefinitely through work, family or as a NZ national.



3. AUSTRALIAN CITIZENSHIP

Where you gain the full freedoms as an Australian, including voting and public office.

We explore all three in this fact sheet, and each has their own process for application.

1. Temporary visas

There are many visa options and the right one will depend on your situation.

VISITOR VISAS

Where you intend to travel to Australia for recreation and tourism over the visa waiver limit

WORKING AND SKILLED VISAS

Where you intend to gain employment by being sponsored or meeting points tested requirements

STUDYING AND TRAINING VISAS

Where you intend to gain an education in Australia

FAMILY AND SPOUSAL VISAS

Where an individual has the right to sponsor a family member

REFUGEE AND HUMANITARIAN VISAS

Where you have a legal right to seek protection in Australia

OTHER VISAS

Specialised visas that fall outside of other categories

Temporary visa timeline

The application process varies from visa to visa, and a quick snapshot of the steps is provided below. Processing times vary greatly, from a few days to well over a year depending on your visa class, so it is best to check the Australian Government's site [here](#) for the most up to date processing times.

SKILLED WORK VISA



EMPLOYER NOMINATED WORK VISA



STUDENT VISA



PARTNER VISA



Temporary visa application process

1. ESTABLISH VISA OPTION(S)

TIMING



One of the most important steps is selecting the right visa for your circumstances. While some visa choices are quite obvious, talking through your desires and personal history will let your immigration lawyer choose the best visa for you from the multiple sub-categories available.

1 week

2. PRE-APPLICATION



Certain visas, such as a student or sponsored work visa, require certain steps to be taken before you apply. Talk to your immigration lawyer about the specifics for your application to satisfy all requirements.

Varies

3. APPLICATION



The Australian Government allows applications to be submitted and paid for online. Background information will be gathered from you to fill out the forms to submit. Your immigration lawyer will give you a list of these requirements and they can be extensive, including employment history and tax returns, health status and English speaking skills. Some applications could even be rejected based on the grounds of incomplete information, so it is essential that everything is prepared accurately and fully.

Dependant on how fast you can collate all the required documentation, but averages around 2-4 weeks typically

4. FURTHER PROCESSING



The reviewing officer may request more information and documentation about you to process your case. This may include more proof, a medical check-up depending on which country you are applying from, police certificates of former countries you have resided in and possibly a consular interview.

Check timing on the Australian Government's site [here](#)

5. REVIEW, APPROVAL OR DENIAL



Visa processing time depends on a number of factors. Having a well prepared and complete application will ensure your matter is reviewed without requests for more information, which can delay the visa approval process.

Check timing on the Australian Government's site [here](#)

Good to know



All documents to be supplied with the application need to be scanned in colour and be in English. Altria can help you with translation to accompany your documents if they are not in English.

Immigration FAQs



How does the Australian points system work for skilled migration?

Qualifying applicants via points helps Australia to choose the right applicants with the necessary skills it is looking for. Points are awarded for a number of reasons on factors like skills, age, English language, occupation, education, Australian work experience, community language skills and accompanying partner skills.

CAN I MIGRATE TO AUSTRALIA WITH A CRIMINAL HISTORY?

The visa application process requires immigrants to be of good character, and having a criminal record does not immediately disqualify you from obtaining a visa. All immigrants will be required to satisfy a character test, and generally you will not be disqualified if your prior offenses are minor and haven't resulted in more than 12 months of jail time. You can find out more about the requirements [here](#). You will likely be required to provide a police certificate for each country you have lived in for 12 months or more since turning 16, which your Immigration Lawyer can help you arrange.

WHAT ARE MY OPTIONS FOR APPEAL?

If you have received notice from the Department of Immigration and Border Protection regarding a visa refusal or cancellation, you may not realise that you have several options of appeal.

Reviews to the Administrative Appeals Tribunal (AAT) and interventions to the Ministerial Intervention Unit (MIU) are both possible and can be successful avenues of appeal.

Don't give up hope yet! It is best to contact your immigration lawyer immediately to discuss your options so you can remain in the country, or gain entry legally.

2. Permanent residency

An Australian Permanent Resident (Migrant) can live and work in Australia indefinitely, and enjoy most of the benefits of being an Australian. Permanent Residency (commonly referred to as PR) is also a step along the process to becoming an Australian citizen. With over 40 migrant visas available, there are many avenues to gain PR through family or work, or as a New Zealand national.

Process

The application process is similar to temporary visas:



Visas are issued in 5-year blocks, subject to renewal. Upon approval, you can enjoy the freedoms of remaining in Australia, sponsoring family to join you, finding work, studying including government support and accessing Medicare.

3. Australian citizenship

Becoming an Australian is a very proud and humbling moment, joining one the freest and most enjoyable countries on earth. There are several ways to gain citizenship:

- If you migrated to Australia and meet the eligibility requirements, you can apply for citizenship by conferral
- If you were born overseas to an Australian parent, you can apply for citizenship by descent
- If you were adopted by an Australian citizen, you can apply for citizenship by adoption
- If you lost or gave up your citizenship, you can apply for citizenship by resumption

Resident requirement

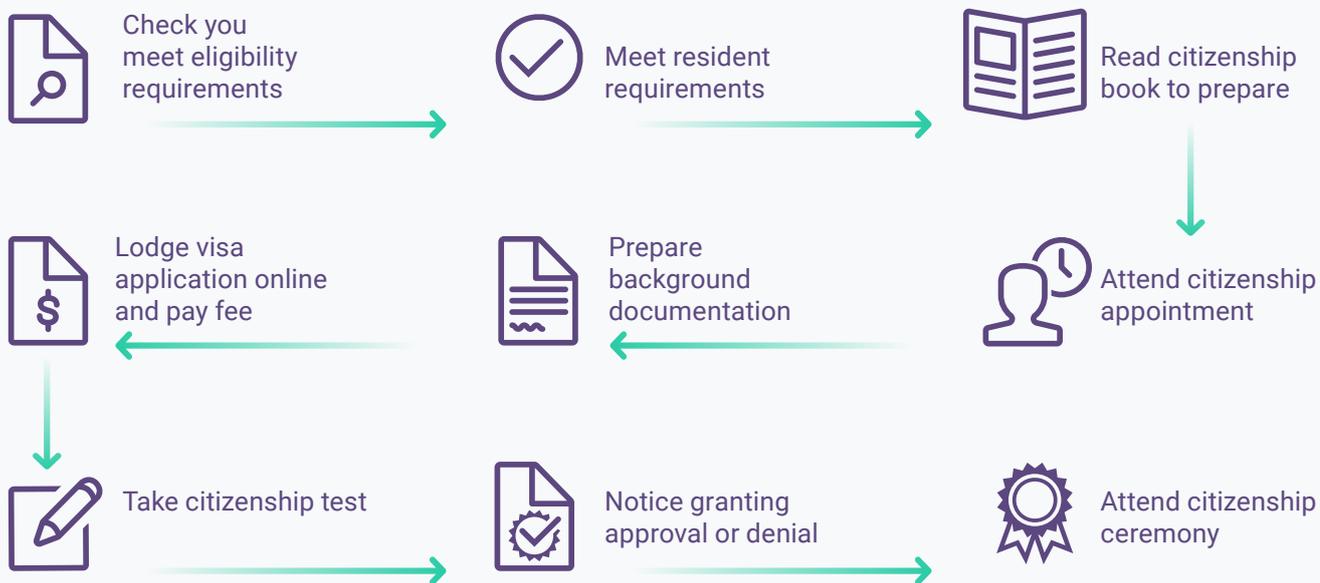
There are two requirements to be met before applying for citizenship:

You must have been living in Australia on a valid 4-year visa before applying, including the past 12 months as a permanent resident;

AND

Not have been out from Australia for more than a year in total in the 4-year period, and no more than 90 days in the year before applying

Process



Good to know

- Descent and evidence applications take 1-2 months, while a conferral application will be 1-1.5 years
- As an Australian citizen, you now enjoy the freedoms to vote, seek public office, work for the government or the defence force, apply for an Australian passport and receive consular assistance while travelling, and register children born overseas as Australian citizens by descent.

HOW MUCH DOES THE APPLICATION AND LEGAL REPRESENTATION COST?

Migration legal fees vary case by case. In most circumstances, upon receiving some basic details about your application, we can provide a fixed fee to process your application. Altria manages the entire process for you, including making payments to the government on your behalf.

Call us today, or use our [Case Starter](#) now

Migration Case Starter

Altria provides law on your terms. Our Case Starter lets you enter simple details to start the conversation with us so we can design you a bespoke pathway to a legal solution.



[GO TO CASE STARTER](#)

How Altria can help you

Altria's experienced migration team makes the process a lot easier, assisting with Australian visa options, family and partner migration, Australian citizenship, asylum and tribunal and court appeal services.

We are specialists in corporate migration, and can assist companies with employees moving country, or attracting international talent in Australia's highly regulated environment. Because many of our team are from overseas ourselves, we approach migration law with a great deal of empathy.

We can provide translators that speak your language, and hold your hand as we travel together through the legal jungle that migration can be. We will provide fair and balanced advice specific to your situation.

Contact Altria today on (02) 9134 5851, or email us at info@altrialaw.com