

# Immigration Law Update

December 2008

## Key Contacts

### Maithri Panagoda

Partner  
Phone 02 8226 7313  
mpanagoda@codea.com.au



### Jamie Quach

Solicitor  
Phone 02 8226 7323  
jqquach@codea.com.au



### Christina Kwak

Solicitor  
Phone 02 9291 7175  
ckwak@codea.com.au



In this Immigration bulletin from the Immigration lawyers at Carroll & O'Dea, 2 areas of immigration on which you may have little knowledge are raised and discussed. These are immigration of carers for those injured at work and immigration issues as they affect religious orders.

As always, you are welcome to ring Maithri, Christina or Jamie to discuss any of these immigration issues in more detail.

## 1. MIGRATION AND PERSONAL INJURY

When a person is injured at work or in an accident they generally require care of a relative.

In circumstances where the injured person does not have a carer available in Australia, there are options of applying for short term or long term visas for overseas relatives to travel to Australia to provide care and domestic assistance to the injured person.

### Short Term Visas

Visitor visas are available for 3 – 12 month stays in Australia. This visa would be suitable for people who require care and emotional support in the short term.

The processing time for visitor visa is approximately 2 – 4 weeks, but may be expedited in cases where urgent assistance is required.

### Permanent Visas

A permanent carer visa will allow an overseas carer to remain in Australia indefinitely. However, to satisfy the requirement of this visa, the Australian resident in need of care will need to undertake an independent medical assessment to determine whether their injuries are severe enough to require a permanent carer.

In cases where the injured person has sustained serious permanent injuries such as a brain injury, there would be no difficulty in meeting the threshold for a carer.

The second criteria for this visa, is that there is no other suitable carer or government support available in Australia to provide the level of care required by the injured person.

The processing time for a permanent carer visa is approximately 10 – 12 months.

## 2. FAMILY MIGRATION

There are a number of migration visas available to overseas applicants to be reunited with family members in Australia.

- ▶ Visitor visas are available for overseas relatives to visit Australia for holidays, weddings, graduation ceremonies ect. The period of stay for allowed for visitor visas ranges from 3 – 12 months.
- ▶ Spouse visas are available for applicants who are in a genuine marital relationship with an Australian resident or citizen. Fiancé, defacto and same sex partners are also eligible to apply for partner migration.
- ▶ Child visas are available for biological or adopted children of Australian residents or Citizens. They are permanent visas available to children under 25 years of age however, if the child is over the age of 18 they will need to prove that they are dependent on their Australian parent for financial and emotional support.
- ▶ Parent visas are available to applicants who have at least half of their children living in Australia as citizens or permanent residents.
- ▶ Aged Dependent visas are available for elderly applicants who are being wholly supported by relatives in Australia and have no emotional or financial support in their home country.
- ▶ Last remaining relative visas are specifically available to applicants whose parents and siblings are all residing in Australia. The applicant will need to show that they are the only member of their immediate family who is not an Australian resident.

.. continued page 2

**CARROLL  
& O'DEA**  
LAWYERS

