

# 10 BASIC COMMANDMENTS YOU MUST KNOW WHEN MIGRATING TO AUSTRALIA

- ① **Your communication with the Department of Immigration and Citizenship (DIAC):**
  - a) when providing documents to DIAC or making a visa application, please retain copies of all submitted materials
  - b) all relevant application fees must be paid in Australian dollars from Australia or in the local currency when in the country of origin/lodgement
  - c) contact details for the onshore/offshore processing centres are provided on the DIAC website at [www.immi.gov.au](http://www.immi.gov.au)
  - d) please ensure that you comply with any deadline given by DIAC, non-compliance can result in a refusal or cancellation of your visa
  
- ② **Select and communicate with a Migration Advocate / Agent:**
  - a) ensure the Agent has a MARA licence number such as MARN 9803083 – the first two digits indicates the initial year of registration
  - b) check the professional standing of the Agent or Agency (i.e. registered office address, company registration, qualifications, existence of the firm)
  - c) if possible obtain information about the number of successful appeals conducted at the tribunals or courts

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**③ Conditions attached to visas**

- a) DIAC has the power to attach conditions to your visa, such as '8503 – No Further Stay (after expiry of your visa)
- b) this means that the visa holder must depart Australia before the expiry date, unless in the case that the visa holder has compassionate grounds for a waiver of this condition (such as serious illness or the need to attend a court matter or death in the family)
- b) please be aware of any conditions stipulated in your visa – if you breach these conditions at any time, it may result in your visa being cancelled

**④ Every Australian visa has an expiry date:**

- a) it is the visa holders responsibility to renew their visa or depart Australia before the specific date of expiration
- b) if you become a non valid visa holder you are classified as an unlawful non-citizen, therefore you may be subject for removal or departure
- c) any unlawful non citizens can make a valid application for another visa within 28 days of the relevant date (expiry date) and shall be issued with a Bridging Visa C
- d) if you become unlawful you should engage professional representation

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**⑤ Initial date of entry:**

When an Australian visa is granted it stipulates the date of initial entry.

- a) this date is usually 12 months from the date of completion of your medical tests, not from the date of the grant of the visa
- b) the above transcription is not characteristic of a temporary visa

**⑥ The processing time of an Australian visa depends on the class of visa applied for. The Golden Rules are:**

- a) permanent – 6-12 months, possible 18 months in some cases
- b) temporary – 1-6 months, depending on the work load of DIAC

**⑦ Most assessment materials for Australian visa applications have lifetimes:**

- a) skills assessments – 12 months validity, from some assessing bodies, than revalidate
- b) medical test results – 12 months from completion
- c) police clearances – 3-12 month from issue
- d) IELTS – 24 months from date of results
- e) please ensure you provide these documents while they are valid

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**⑧ Resident Return Visas:**

- a) each visa that is granted under a permanent visa regime has a validity of 5 years
- b) before the expiry date, the holder must renew their visa (possibly while in Australia) by simply lodging a renewal form and paying the relevant fee. You must prove that you have resided in Australia for 2 years in 5 years of the visa
- c) for whatever reason you have difficulty to meet this 2 year requirement, you must seek professional assistance in the renewal process otherwise you may lose your permanent residency

**⑨ You can travel, enter and remain in Australia on an Electronic Travel Authority (ETA) visa for an initial period of 3 months, (validity is 12 months) :**

- a) every ETA visa can be extended in Australia for up to 12 months (initial entry of 3 months inclusive) without leaving Australia
- b) upon renewal DIAC may attach an 8503 condition – No Further Stay
- c) short stay business visitor visas can not be extended in Australia but for some EU passport holders an initial visa can be granted up to the date of the validity of the passport
- d) ETA visas are generally valid for up to 12 months but allow you to remain in Australia for up to 3 months on each occasion

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⑩ **Professional tips for travellers:**

- a) do not carry materials (documents or other items) that would be contrary to the visa conditions you are holding
- b) if questioned at the airport please ensure that you seek legal representation and do not sign forms without fully understanding the content and knowing your legal rights
- c) in any circumstance, you have review rights at the tribunal or court level, depending on your visa application or the visa that you are holding, therefore please ensure you are informed and have a thorough knowledge of your situation

**Safe travelling!!!**

More questions? Please do not hesitate to contact us:



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