

DO YOU NEED RELATIVES TO SPONSOR YOU FOR PERMANENT RESIDENCE TO AUSTRALIA?

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Professionals and tradespersons may apply for migration to Australia, even if they do not have relatives who can sponsor them under certain circumstances. However, having a relative who is willing and able to sponsor the applicant becomes necessary if a visa applicant is not able to pass the points test under the skilled independent category, without the sponsorship.

In such cases, the applicant may apply for a permanent resident visa under the *Skilled Australian Sponsored (SAS)* or the *Skilled Designated Area category of the Skilled Migration Scheme*, depending on where their sponsor resides.

Relationship Qualification

A parent, or brother or sister, (natural, adopted or step) or aunt or uncle, (natural, adopted or step) or *non-dependent* child or adoptive child, or step-child may sponsor their relative. Even non-blood uncles and aunts (in laws) can sponsor nieces and nephews and step relatives may sponsor. However, *nieces and nephews are not qualified* to sponsor aunts and uncles under the current Migration Regulations.

If the sponsor lives in a designated area of Australia and has been living in that area for at least one year, the visa applicant may apply under the *Skilled Designated Area category*. The visa applicant does not even have to pass the points test and even *first cousins and grandchildren* can be sponsored under this category

Except for Sydney, Newcastle, Wollongong, Perth, Brisbane, the Sunshine Coast and the Gold Coast, all other parts of Australia are designated areas.

Other qualifications of the sponsor

In addition to the relationship, the sponsor:

- must be over 18,
- must be an Australian citizen, permanent resident or an eligible New Zealand citizen.
- must pass the financial and employment assessment in regard to the undertaking to provide financial assistance (including suitable accommodation) for all persons included in the sponsorship for a period of 2 years from arrival in Australia under that visa.

Evidence of Relationship

Evidence normally required to support sponsorship to establish age and family relationships include

- birth certificates (showing full names of parents),
- marriage certificates,
- death certificates,
- adoption certificates, or

in lieu of some or all of the above, family status certificates and family books where these documents are officially issued and maintained.

Alternative documentation to prove relationship

If there is a reasonable explanation for the official evidence not being available, alternatives may be considered, including, but not limited to:

- medical records;
- taxation records;
- health insurance
- social security records;
- last will and testaments;
- or records of the Department of Immigration and Multicultural Affairs.

Proof of financial capacity:

Documentation normally required from sponsors include:

- latest income tax assessment;
- current pay slips or other satisfactory evidence of alternative income;
- evidence of major assets, including bank or similar accounts, details of real estate/motor vehicle ownership;
- confirmation of liabilities, such as mortgage repayments, rent, hire purchase, credit card repayments etc;
- any other evidence that may help to establish their ability to meet their undertaking.

Note that the sponsor does not have to be the assurer who puts up the assurance bond.

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This information is of a general nature and should not be taken as authoritative legal advice for specific cases. *Australia has a scheme that requires persons who give immigration assistance to be registered as migration agent. The writer, Atty. Imelda Argel is a practising Filipino lawyer and a registered migration agent in Sydney, Australia. She is a Solicitor of the Supreme Court of New South Wales, the High Court of Australia, an Attorney at law in the Philippines and in the State of New York, USA. Her Registered Migration Agent no. is 9682957.*

Atty Imelda Argel will conduct skilled migration seminars in Manila and in London this September. Readers of Philippine Star can register on 812 1833 or 867 4026.