

Filipino Migrants Forum

DO YOU QUALIFY FOR A CARER VISA?

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Unlike some countries, Australia does not issue a “caregiver” visa. However, a “carer” visa may be granted to relatives of Australian citizens, permanent residents or eligible New Zealand citizens needing a specified level of care when sponsored by qualified relatives.

Who may apply for a carer visa?

The following relatives of the person requiring care may apply:

- (a) the spouse of the person; or
- (b) a child, adopted child, parent, brother or sister of the person; or
- (c) a step-child, step-parent, step-brother or step-sister of the person.
- (d) a grandparent, grandchild, aunt, uncle, niece or nephew, or a step-grandparent, step-grandchild, step-aunt, step-uncle, step-niece or step-nephew.

Who may sponsor?

The sponsor must be an Australian citizen, permanent Australian resident, or an eligible New Zealand citizen.

If the person requiring care is a person other than the sponsor, the person requiring care must be related to the sponsor as:

- Their spouse;
- Their dependant child;
- Their dependant grandchild; or
- The relative (spouse, child, parent, brother, sister, grandparent, grandchild, aunt, uncle, niece, nephew (or step-equivalents)) of the sponsor, or the relative (spouse, child, parent, brother, sister, grandparent, grandchild, aunt, uncle, niece, nephew (or step-equivalents)) of the spouse of the sponsor; and has never married, or is widowed, divorced or separated, and lives with and is dependent on the sponsor

Who must be requiring care?

The person requiring care must be an Australian citizen, permanent Australian resident or an eligible New Zealand citizen, related to the visa applicant and the sponsor, if he or she is not the sponsor.

In other words, the person needing care, the sponsor and the visa applicant must be related. There are technical definitions of the relationship which vary from time to time. It is therefore advisable to seek advice from a competent registered migration agent before lodgment of visa application to minimize the chance of visa refusal.

What kind of the medical condition requires care?

The person requiring care must undergo medical examination by a health service provider specified by the Minister (usually Health Services Australia Ltd.), and an assessment certificate must be issued by health service provider that the medical condition has an impairment rating of at least 30 points causing physical, intellectual or sensory impairment

of the ability of that person to attend to the practical aspects of daily life which will continue for at least 2 years and will require direct assistance in attending to the practical aspects of daily life.

Is the required assistance available elsewhere?

Proof must be given that the assistance *cannot* be reasonably be obtained from any other relative of the person needing care, who is an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen, and that the required level of care cannot be reasonably provided by *welfare, hospital, nursing or community services in Australia*.

What is required of the carer?

The principal applicant for a carer visa must be willing and able to provide to the relative needing care substantial and continuing assistance of the kind needed in attending to the practical aspects of daily life. Assistance includes hygiene, toileting, dressing, eating, mobility, special exercising, therapy, giving medication, constant monitoring and supervision.

The carer and all members of his or her family unit must pass health and character tests.

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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 migration solicitor 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. She is also the recipient of the inaugural NSW FAWAA (Filipino-Australian Women's Achievement Award) for her outstanding achievements in corporate practice and entrepreneurship. More information is available at www.iargel.com.au

Readers of the Philippine Community Herald Newspaper are invited to send their comments to "The President, Filipino Migrants Forum" c/o Imelda Argel & Associates, Solicitors & Attorneys, by email at info@iargel.com.au or by fax at (+612) 9699 3210 or by post to Suite 41, Ground Floor, 61-89 Buckingham St. SURRY HILLS NSW 2010.