



Immigration Advice
and Rights Centre

Reflects Australian
Immigration law as
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PROSPECTIVE MARRIAGE VISA (subclass 300)

Who can apply for this visa?

You may be eligible for a Prospective Marriage (subclass 300) visa if you are over the age of 18 and you **intend** to marry an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen.

You must be **outside of Australia** at the time when you apply for this visa and at the time when the visa is granted.

This is a temporary visa that is valid for 9 months from the date of grant. In that time, you will need to enter Australia, marry your sponsor and make an application for a Partner visa (see IARC's information sheet '[Partner Visa Applications in Australia \(subclass 820/801\)](#)' for more information).

If your relationship ends after you arrive in Australia or if you are experiencing family violence in your relationship you should obtain legal advice as soon as possible (see IARC's information sheet '[Breakdown of relationship – Partner visas \(subclass 820/801, 309/100 and 300\)](#)' for more information).

Who can be a sponsor for this visa?

You may be eligible to be a sponsor if you are over the age of 18 and:

- you are an Australian citizen, Australian permanent resident or an eligible New Zealand citizen; and
- you intend to marry the visa applicant.

Sponsorship limitations

If you have previously sponsored someone or have previously been sponsored yourself as a partner there may be limitation on your ability to be a sponsor. There may also be limitations on your ability to sponsor if you hold a Woman at Risk visa, a Contributory Parent visa or if you have committed certain offences.

These limitations can be waived in certain circumstances. You should obtain legal advice if this applies to you.

What are the requirements for this visa?

To be granted this visa:

- you will need to provide evidence that you and your fiancé have met in person since you both turned 18 - letters or communication by email/internet will not be enough;
- you will need to show that you and your fiancé are known to each other personally. You can demonstrate this by providing evidence of contact that shows the development of your relationship with your partner. The Department may decide interview both of you about your relationship;
- you will need to show that you and your fiancé genuinely intend to marry within the visa period and live together as in a spousal relationship. You can satisfy this requirement by providing a signed and dated letter (on letterhead) from an authorised marriage celebrant who will conduct the ceremony. The letter must include the date (or date range) and the venue of the marriage ceremony and confirmation that a Notice of Intention to Marry has been lodged with the celebrant;
- you will need to show that there is no impediment to your marriage under Australian law.

Can I include my children in the application?

You can include your child (or step-child) in the application if they are not married, engaged to be married or in a de-facto relationship **and** meet one of the following requirements:

- they have not turned 18;
- if they have turned 18, they are under the age of 23 and are **dependent** on you or your spouse/de-facto partner;

Note: a child will be considered to be dependent on a person if:

- *the child is and has been for at least 12 months wholly or substantially reliant on the person for financial support to meet their basic needs for food, clothing and shelter **and***
- *the child's reliance on the person is greater than any reliance on any other source of support or person.*

- your child has turned 23 and they are wholly or substantially reliant on you or your spouse/de-facto partner for financial support because they are incapacitated for work due to the total or partial loss of their bodily or mental functions.

Your child will need to continue to meet these requirements at the time a decision is made on your application.

You should seek legal advice if you intend to include children in the application who have parents or guardians who are not included in the application.

How to make an application

Applications must now be made electronically unless the Department gives you permission in writing to make a paper application.

To make an electronic application you will need to:

- go onto the Department's website (www.homeaffairs.gov.au/trav/visa/immi) and create an 'ImmiAccount';
- under the 'My applications' tab, click 'new application' and then click on the 'family' tab. You will then need to click on "Stage 1 – Partner or Prospective Marriage visa (300.309/100.820/801)".
- once you answer all the questions you will need to pay the visa application charge – there is an additional charge if you include a child (to find the cost of this visa you can go to www.homeaffairs.gov.au/trav/visa/fees)

You will also need to provide:

- at least two statutory declarations from friends or relatives explaining how they know the both of you and why they believe that your relationship is genuine and continuing (you can use form 888);
- evidence that you and your fiancé have met in person and as adults;
- evidence that shows you and your fiancé are known to each other personally – this can include evidence of ongoing contact during times spent apart such as letters (with envelopes) written to each other, copies of telephone bills showing the itemised calls to each other and evidence of any money or gifts sent to each other;
- a signed and dated letter (on letterhead) from an authorised marriage celebrant who will conduct the ceremony. The letter must include the date (or date range) and the venue of the marriage ceremony and confirmation that a Notice of Intention to Marry has been lodged with them. If the marriage has been arranged according to traditional custom then explain the customs;
- statements from each of you explaining:
 - when / where / how you met each other;
 - whether you go out / socialise / entertain people as a couple;
 - what your plans are for the future;
 - when/where you plan to be married;
 - where you plan to live and whether you are planning to have children or pets; and
 - whether you give each other emotional support and companionship.

- certified copies of your passport and birth certificate;
- certified copy of the birth certificates of any children included in your application together with a form 1229 completed by any other person who can lawfully determine where the children can live;
- certified copy of the sponsor's birth certificate and evidence that they are an Australian citizen or permanent resident;
- If either of you have been married before evidence that you are no longer married.

In order to be granted a partner visa the applicant will need to satisfy relevant health and character criteria. This will involve undergoing appropriate medical examinations, providing appropriate criminal record checks and passing general character requirements.

What happens if your application is refused

If your application is refused your partner may be able to seek review of that decision at the Administrative Appeals Tribunal. You should seek legal advice as soon as possible as strict time limits apply.

