



Immigration Advice  
and Rights Centre

## Carer visa – (subclass 116 and 836)

### What is a carer visa?

This is a permanent visa that allows you to live in Australia as the carer of a relative who is an Australian citizen, permanent resident or eligible New Zealand citizen. It may be possible to apply for this visa either:

- inside Australia (subclass 836); or
- outside Australia (subclass 116).

Reflects Australian  
Immigration law as  
at 1 September  
2018

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Note: the Department of Home Affairs grants only a small number of these visas every financial year and it may take a number of years before this visa can be granted to you. If you apply for this visa outside Australia then you must be outside Australia when this visa is granted. Likewise, if you apply for this visa inside Australia then you must be inside Australia when this visa is granted.

## Who can be an applicant for a carer visa?

To be eligible for this visa you:

- **must** be sponsored by an Australian citizen, permanent resident or eligible New Zealand citizen who requires care or who has a 'member of the family unit' who requires care (the family member must also be an Australian citizen, permanent resident or eligible New Zealand citizen); and

Note: a 'member of the family unit' can be:

- a) your spouse or de-facto partner; or
- b) your child or step-child (who is not engaged to be married or has a spouse or de-facto partner) and:
  - has not turned 18; or
  - has turned 18, but has not turned 23 and:
    - is and has been for at least 12 months, wholly or substantially reliant on you for financial support to meet their basic needs for food, clothing and shelter. Their reliance on you must be greater than their reliance on any other person or source; or
    - is wholly or substantially reliant on you for financial support because they are incapacitated for work due to the total or partial loss of their bodily or mental function; or
  - If they are over the age of 23 they need to show that they are wholly or substantially reliant on you for financial support because they are incapacitated for work due to the total or partial loss of their bodily or mental function.
- c) in some cases a member of the family unit may also be a dependent child of the person described in paragraph (b) above.

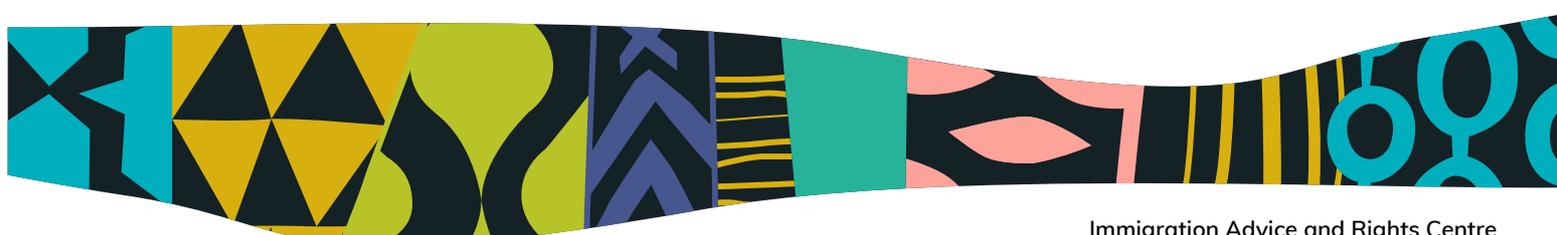
- **must** be a spouse, de-facto partner, child, parent, brother, sister, grandparent, grandchild, aunt, uncle, niece or nephew of the **sponsor** (this includes a step-child, step-brother, step-sister, step-grandparent, step-grandchild, step-aunt, step-uncle, step-niece or step-nephew); and

- **must** be willing and able to provide the person needing care substantial and continuing assistance as a carer. You are likely to be interviewed and an assessment will be made about your application having regard to:
  - your general capacity to provide the assistance needed;
  - the nature of the assistance needed (as evidenced by the [Bupa Medical assessment report](#) – see below for more information);
  - your understanding of the of the nature and duration of the assistance required;
  - your commitment to providing long term assistance;
  - your physical ability to provide the assistance;
  - your level of maturity to provide the care;
  - the efforts you have made to learn about the medical condition and the care that is needed;
  - how you propose to support yourself financially (and any accompanying family members) given your commitment to providing substantial and continuing assistance to your relative;
  - whether any existing commitments to family members (such as your own children) would allow you to provide the required level of assistance; and
  - whether you have had any training, employment experience or personal factors that may help in providing the assistance.

## Including family members in your application

It is possible to include your partner or your child in the application but they need to meet the definition of ‘member of the family unit’ at the time you make your application and also at the time the Department of Home Affairs makes their decision. As the carer visa can take many years to be granted you should consider whether your child would continue to meet the definition of a ‘member of the family unity’ at the time of decision. For example, if your child has turned 23 years of age at the time the Department makes a decision and is not wholly or substantially dependent on you for financial support because they are incapacitated for work due to a “total or partial loss of their bodily or mental function” ([see definition above](#)) then their application will be refused.

You and any ‘member of the family unit’, [regardless of whether they have been included in your application](#), will also need to satisfy certain character, security and health requirements. The requirements that need to be satisfied are different depending on whether or not the family member has been included in your application



## Who can be a sponsor for a carer visa?

The Australian relative who is the sponsor must:

- show that they are 'usually resident' in Australia (they are also required to show that they are 'settled' in Australia if the application for the visa is made in Australia for subclass 836). If the Australian relative has been in Australia for a short time, or spends long periods outside Australia they may have difficulty meeting this requirement;
- be approved as a sponsor (which involves agreeing to assist the applicant financially and in relation to their accommodation for a period of 2 years following the grant of the visa if they have applied in Australia or a period of 2 years following their first entry if they applied for the visa outside Australia);
- be over the age of 18 (it is possible to be sponsored by the spouse or de-facto partner of the relative in some circumstances);
- be in need of a carer themselves or for a 'member of the family unit'. This requires a certificate issued by **Bupa Medical Visa Services**. [This is discussed further below](#);
- show that the required care cannot reasonably be obtained from Australian relatives, or welfare, hospital, nursing or community services. [This is discussed further below](#); and
- show that if it is a member of the Australian relative's family who has the medical condition, the Australian relative has a permanent or long-term need (at least for 2 years) for assistance in providing care to the person with the medical condition.

### Meaning of 'usually resident'

In determining whether a person is usually resident in Australia the Department will consider the actual physical residence of the person and whether the person has the intention to reside in Australia. The decision maker will consider the person's physical presence in a country, the length of that residence, where they eat and sleep and have a settled home and the person's intention to make a country their settled home

### Meaning of 'settled'

You will generally be considered to be "settled" in Australia if you have been lawfully resident in Australia for a period of two years.

It may still be possible to be a sponsor if you have a shorter period of residency if you can show that you are well established in Australia. This may include evidence about your employment or study, property ownership, tax return and evidence that you are not entitled to live in another country. You should seek legal advice if this applies to you.

## Carer visa assessment by BUPA Medical Visa Services

The Australian relative needing the carer must obtain a certificate from **BUPA Medical Visa Services** showing that:

- they have a medical condition that is causing physical, intellectual or sensory impairment of their ability to attend to practical aspects of life. This means tasks such as bathing, toileting, cooking, shopping and housecleaning;
- because of the medical condition they need direct assistance in attending to the practical aspects of daily life;
- they will continue to need that help for at least two years; and
- the impairment has a rating under the Impairment Tables which is at least equal to a rating of 30.

You can make an appointment for a care visa assessment through BUPA's website [www.bupamvs.com.au](http://www.bupamvs.com.au). If you have medical reports about your condition you should provide them to BUPA in support of your medical assessment. The certificate identifying whether or not you meet the impairment will be sent to you in a sealed envelope which can be provided to the Department with your application.

## If you are applying for this visa in Australia

You may be prevented from applying for this visa if:

- since last entering Australia you have held a visa that has a “no further stay” condition 8503. Condition 8503 can be waived in certain circumstances – please see our information sheet on ‘[Condition 8503](#)’ for more information. If this applies to you it is important that you obtain legal advice; or
- you do not hold a ‘[substantive visa](#)’ and after last entering Australia have had a visa refused or cancelled.

**Note:** If you do not hold a ‘[substantive visa](#)’ your application for this visa will be refused if you have not made a valid application within 12 months after the date you last held a ‘[substantive visa](#)’.

**Note:** a substantive visa is any visa other than a bridging visa, a criminal justice visa or an enforcement visa.

## How to make an application for a carer visa

To make a valid application for a carer visa you must either:

- attach evidence that the carer assessment has been sought from BUPA (for example by attaching a letter/email from BUPA that an appointment for an assessment has been made); or
- providing the completed carer visa assessment from BUPA with your application.

It is better to apply for the carer visa after you have received an assessment from BUPA. This is because if you make an application for a carer visa and later discover that you do not meet the required impairment rating your application for a carer visa will be refused and you will not receive a refund of the visa application charge.

To make an application you will also need:

- form 47OF to be completed by the applicant;
- form 40 to be completed by the Australian sponsor;
- form 47A for each dependent applicant aged 18 or over;
- form 80 for all applicants over the age of 16;
- four passport sized photographs of all applicants; and
- payment of the visa application charge for all applicants. To find out the cost of this visa you can go to [www.homeaffairs.gov.au/trav/visa/fees](http://www.homeaffairs.gov.au/trav/visa/fees).

The application will need to be lodged either:

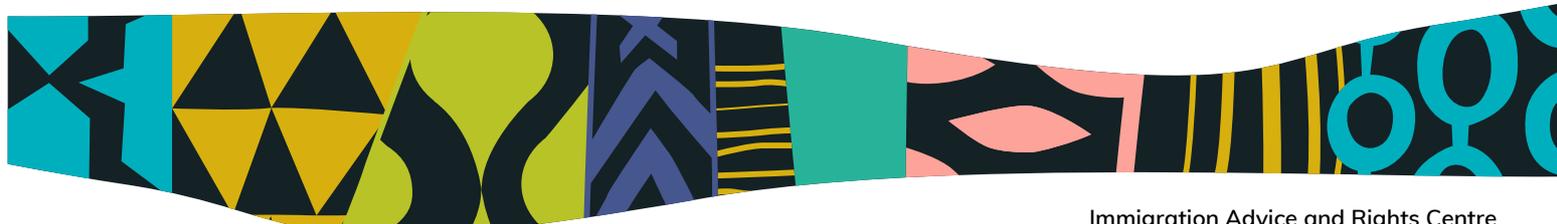
### 1. by post to:

*Child and Other Family Processing Centre*

*Locked Bag 7*

*Northbridge WA 6865*

Or



## 2. by courier to:

Child and Other Family Processing Centre

Wellington Centre

Ground Floor

836 Wellington Street

West Perth WA 6005

## What else to provide in support of your application

In support of your application you will need to show:

- evidence of your relationship to the sponsor – for example passports, birth certificates and marriage certificates (if applicable);
- evidence of why it is not reasonable for any other family members in Australia to provide the required care. For example, statutory declarations, letters from their employers or medical certificates explaining why they are unable to provide the required care;
- evidence of why it is not reasonable to obtain the required care through other services (such as NDIS). You should obtain letters from agencies or government services stating that community services are not available or cannot assist the person needing care adequately and / or other evidence showing that the person needing care:
  - lives in an isolated area where assistance is not available;
  - has difficulty obtaining the care they need because of specific language, religious, cultural needs; or
  - requires full-time care in their home which cannot be provided by government or community services.
- evidence of your sponsor's Australian permanent residence or citizenship – for example a certified copy of their birth certificate, passport, citizenship certificate or permanent visa or evidence of their status as an eligible New Zealand citizen;
- a statutory declaration from you stating that you understand the kind of assistance you are expected to provide and are willing and able to give this assistance. If you

- have any previous experience or training that would make you suitable to provide the care you should mention it and provide evidence;
- a statutory declaration from the sponsor setting out:
    - what kind of help they need and expect from the applicant;
    - why the applicant is suitable to provide the care; and
    - why any other relatives in Australia cannot give the assistance required.
  - if a member of the sponsor's family has the medical condition, evidence of their permanent or long-term need for help in providing the direct assistance to their family member. For example, reports from doctors, psychologists, hospitals and / or social workers giving details of the nature of the medical condition, the family situation, the toll on the sponsor of caring for their family member, and how long the current situation is likely to last.

You are likely to be interviewed by the Department of Home Affairs about your willingness and ability to provide the required care. The sponsor and person requiring the care (if they are not the sponsor) are also likely to be interviewed. The visa may be refused if the Department of Home Affairs does not believe that you have the capacity, ability or willingness to provide the care.

Before you can be granted a carer visa you will also need to satisfy health and character requirements. This will involve undergoing a medical examination, providing relevant criminal record checks and passing general character requirements.

## What happens if your application is refused?

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

