



Australian Government

Department of Home Affairs

Partner Visa Overview

Partner Program Management

Overview of Public Interest Criteria

s. 22(1)(a)(ii)



Additional PICs apply to PA, if there is secondary applicants under 18 years included in the application

PIC 4015 – Custody

PIC 4016 – Best interests of child

s. 22(1)(a)(ii)



Resources

- s. 22(1)(a)(ii) [REDACTED]
s. 22(1)(a)(ii) [REDACTED] [\[REDACTED\]@homeaffairs.gov.au](mailto:[REDACTED]@homeaffairs.gov.au)

- s. 22(1)(a)(ii) [REDACTED]
[REDACTED] [\[REDACTED\].gov.au](mailto:[REDACTED].gov.au)

- s. 22(1)(a)(ii) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



Australian Government
Department of Home Affairs

820 Processing Criteria

Partner Program - 2020

Dependents and MOFU

Custody

Time of decision

820.225 – *the additional applicant*

- (a) is a [member of the family unit](#) of the applicant; and
 - (b) has not turned 18; and
 - (c) made a combined application with the applicant —
- public interest criteria [4015](#) and [4016](#) are satisfied in relation to the additional applicant.

You must ensure custody has been satisfied – For any child under 18 years of age this requires a Form 1229 to be completed by the biological or custodial parents and identity documents to be provided by parties in order to verify the signatures.

Authority to consent for the child to migrate to Australia from the non custodial parent may also be provided from an official court order to Statutory declaration. In all instances, the requirements should be checked against the family law requirements for each country of origin and paperwork sent to the offshore post for verification of consent. s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Dependency PICs

820.224

1) Each [member of the family unit](#) of the applicant who is an applicant for a Subclass 820 visa is a person who:

- (a) subject to subclause (2) — satisfies public interest criteria [4001](#), [4002](#), [4003](#), [4004](#), [4007](#) and [4009](#); and
- (b) if the person had turned 18 at the time of application — satisfies public interest criterion [4019](#); and
- (c) satisfies public interest criterion [4020](#).

Additionally,

820.225

If a person (in this clause called ***the additional applicant***):

- (a) is a [member of the family unit](#) of the applicant; and
- (b) has not turned 18; and
- (c) made a combined application with the applicant —

public interest criteria [4015](#) and [4016](#) are satisfied in relation to the additional applicant.

[4015](#)

The Minister is satisfied of 1 of the following:

- (a) the law of the additional applicant's [home country](#) permits the removal of the additional applicant;
- (b) each person who can lawfully determine where the additional applicant is to live consents to the grant of the visa;
- (c) the grant of the visa would be consistent with any [Australian child order](#) in force in relation to the additional applicant.

[4016](#)

The Minister is satisfied that there is no compelling reason to believe that the grant of the visa would not be in the best interests of the additional applicant

s. 22(1)(a)(ii)

Custody cont.

PICs 4015/4016 and subsequently 4017 and 4018 for the primary applicant relate to parental responsibility and best interests of the child.

The PICs require the Minister to be satisfied of one of the following:

- (a) The law of the child's home country permits their removal; OR
- (b) Each person who can lawfully determine where the child is to live consents to the grant of the visa; OR
- (c) the grant of the visa would be consistent with any Australian child order in force in relation to the child

Commonly we see Form 1229. However, they may also provide a court order granting permission for the child to leave the court's jurisdiction or travel/settle in Australia or an Australian court order.

These PICs were introduced to ensure Australia meets its obligations under the Convention on the Rights of the Child. There is no provision to "waive PICs 4015 and 4017.

Granting an 820 visa

Other considerations to turn your mind to.