



Migration Matters – Advice, Visa Applications and Appeals

At Scammell & Co. we can assist you with your visa application process, give advice on immigration matters and appeal negative migration decisions. Our team of lawyers includes a number who are multi-lingual and are also Registered Migration Agents (RMA) who act in accordance with the Code of Conduct which means we must act in your best interests, competently, diligently and fairly.

If you prefer an advice only service and wish to file your own application, we can conduct a full assessment and provide tailored advice on the various options available to you.

If you have received a negative decision from the Administrative Reviews Tribunal, you may be able to appeal that decision at the Federal Magistrates Court, the Federal Court or the High Court. In that case, Scammell and Co. have experienced litigation lawyers and migration lawyers who are able to assist you with your case and appear in court on your behalf.

Unfortunately most visa applications are not straight forward and one small error, or an incomplete or rushed application can mean a refusal of your visa.

It is therefore recommended that you obtain professional advice when applying for a visa or making an appeal. Scammell & Co. can provide the assistance you need.

We can also advise you in related legal matters such as police, criminal, family violence matters and family law matters which can affect a successful visa application.

At Scammell & Co. we deal with:

- Partner visas.
- Business visas.
- Family visas.
- Skilled visas.
- Student visors.
- Work visas.

Scammell & Co. have a registered migration agent who is also a fully qualified lawyer.

Ursula Matson (MARN 1686691)



I have extended family overseas and they want to come to Australia for a visit. They have not been to Australia before, what visa options are available to them?

For individuals intending to visit family in Australia, one visa option is the Visitor visa (subclass 600). This visa is usually granted for a period of 3, 6 or 12 months. The Visitor Visa (subclass 600) is made up of Tourist stream and the Family Sponsored stream.

To be eligible for this visa, they must meet the Commonwealth health and character requirements, produce evidence showing that they are travelling to Australia as genuine visitors and have enough funds to support themselves. If you are an Australian citizen or permanent resident and have settled in Australia for a reasonable period, you may be eligible to sponsor a relative under the Family Sponsored stream. It is important to note you cannot sponsor fiancés, in-laws or cousins.

Another Visitor visa is the eVisitor (subclass 651). There is no application charge for this visa, however only passport holders from certain countries are eligible to apply.

Each visa option has different conditions attached. It is best to seek adequate migration advice to determine which option will be the most appropriate for your circumstances.

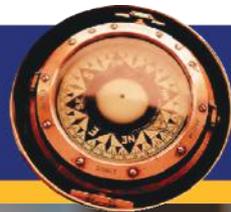
I am married to an American citizen who wants to live in Australia permanently. What are our options?

Consider applying for a Partner Visa. This is a two stage application over two years. You will need to apply for a Subclass 820 (Temporary Visa) and also a Subclass 801 (Permanent Visa).

If you are legally married you will satisfy the first hurdle of the application, but you can also apply if you are in a de facto relationship. You will be required to sponsor your partner and any other dependent family members who are to be included in the application. Your partner will need to satisfy the character and health requirement which will require a full health examination and police clearance, both inside and in the United States.

At the second stage of the application you will need to provide evidence that you are still in a relationship with your partner. There are four categories which will need to be satisfied, including the financial aspects of the relationship, the nature of the household, the social context of the relationship and the nature of your commitment to each other.

The second stage of making an application can be the most complicated, as in some cases, if all of the required evidence has not been obtained or provided at the time of application it may result in your visa being refused. It is important to obtain proper advice prior to making an application.



I recently travelled to Australia on a Visitor Visa. There is a ‘No Further Stay’ condition on my visa, what does this mean?

If you are currently on a Visitor Visa then it is likely that a ‘No Further Stay’ condition 8503 has been imposed.

This means that you are prevented from applying (in Australia) for any further substantive visa, other than a Protection Visa. Before your Visitor Visa expires you will need to leave Australia. If you do not do so you can be detained as you will be recognised as an unlawful non-citizen.

It is possible to get a condition 8503 waived in certain circumstances, except if you are on a Work and Holiday Visa (subclass 462). If you are wanting to make an application to waive condition 8503 you will need to provide detailed submissions to the Minister with supporting evidence showing:

1. A change in circumstances since the Visitor Visa was granted.
2. That the change in circumstances is / was beyond your control.
3. There are compelling and compassionate reasons, resulting in a major change to your personal circumstances, to justify the waiver of the condition.

A waiver of condition 8503 is never guaranteed and is assessed carefully upon the circumstances of each case.

It is always important to seek advice rather than risk your chances of obtaining a temporary or permanent visa to stay in Australia.

Contact Us Today

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