

EDUCATION & MIGRATION GUIDE

Child Visa (Subclass 802)

A complete guide in simple language — who can apply, what the rules are, and what to expect when bringing your child to Australia permanently.

Under-18 Pathway

Adult Children 18–24

Adopted & Step-Children

Child Visa (Subclass 802): A Complete Guide in Simple Language

If your child is already in Australia and you want them to live here with you permanently, the Child visa (Subclass 802) may be the right pathway. This guide explains, in plain English, who can apply, what the rules are, and what to expect.

Note: This guide is general information only. It is not migration advice. Every family's situation is different, so speak with a migration professional before you apply.

1 What is the Child Visa (Subclass 802)?

The Subclass 802 visa is a permanent visa for a dependent child who is:

- already in Australia, and
- has a parent who is an Australian citizen, a permanent resident, or an eligible New Zealand citizen.

Once granted, the child can live in Australia permanently — it is not a temporary or bridging visa.

Key point: The child must be in Australia both when the application is lodged and when the visa is finally granted.

2 Who Counts as a "Child"?

Australian migration law takes a broad view of what makes someone a "child." It can include:

- A biological child
- A child conceived through IVF or another artificial conception procedure
- A child born through a legally recognised surrogacy arrangement
- An adopted child
- A step-child, in certain circumstances

If there's no full birth certificate available to prove the relationship, or the relationship is complicated (for example, surrogacy or a customary adoption), extra evidence — sometimes including DNA testing — may be needed.

3 Two Main Pathways: Under 18 vs. Adult Children

Children Under 18

This is the simplest pathway. Broadly, the child needs to show:

- A genuine parent-child relationship
- That they depend on the parent (financially, physically, or emotionally)
- That the sponsoring parent meets the residency requirements
- That health and character requirements are met
- That custody and "best interests of the child" requirements are satisfied

Adult Children (18 to 24 Years Old)

Once a child turns 18, Australian law generally treats them as independent. To still qualify as a dependent child, an adult applicant must meet extra requirements:

- Be under 25 at the time of application
- Have been a genuine full-time student continuously since turning 18 (studying towards a professional, trade, or vocational qualification — not just a hobby course)
- Not be working full-time in paid employment
- Not be engaged, married, or in a de facto relationship — and never have been
- Still be financially dependent on the sponsoring parent

Special case: If the adult applicant is incapacitated for work due to a disability, the full-time study and age-25 requirements don't apply — though health requirements still need to be met.

Turning 18 during processing? If the child was under 18 when they applied, they are still assessed as if they were under 18, even if they turn 18 before a decision is made.

4 Step-Children

A step-child can generally only qualify for this visa when:

- The child's birth parent is no longer the partner of the step-parent, and
- A court has given the step-parent legal responsibility for the child.

If the birth parent and step-parent are still together, the step-child usually needs to be included in the parent's own visa application (for example, a Partner visa application) rather than applying separately for a Child visa.

Evidence typically needed:

- Proof the relationship between the birth parent and step-parent has ended
- Proof of the parent-child relationship
- Proof the step-parent now has custody or guardianship of the child

5 Adopted Children

Adopted children can also apply, but the requirements differ depending on how and where the adoption took place. Common scenarios include:

- **Hague Adoption Convention adoptions** — adoptions involving two countries that are both signatories to the Convention, with an official adoption compliance certificate.
- **Non-resident adoptions** — where the adoptive parent became an Australian citizen, permanent resident, or eligible New Zealand citizen only after the adoption occurred.
- **Expatriate adoptions** — where an Australian citizen or permanent resident adopted a child while living overseas (usually requiring at least 12 months of overseas residence before the adoption).
- **Other adoptions** — arranged through an Australian state or territory adoption authority.

Key age rule: The child must have been under 18 at the time of the adoption.

Good to know: If an Australian court finalised the adoption and at least one adoptive parent is an Australian citizen, the child may be eligible for Australian citizenship directly — without needing a visa at all. It's worth checking this option first.

6 Who Can Sponsor the Child?

The sponsor must be:

- At least 18 years old, and
- Either the parent referred to in the application, or that parent's cohabiting partner.

The sponsor completes a sponsorship form confirming their identity, relationship, and residency status.

Sponsors of Concern

Sponsorship must be refused if the sponsor (or their partner) has an unresolved charge, or a conviction, for a "registrable offence." These are serious offences relating to harm against children, such as:

- Sexual or physical assault of a child
- Child pornography
- Child prostitution
- Certain other offences (for example, loitering near schools)

Police checks may be requested to confirm there are no such issues.

7 What Happens Before the Visa is Granted?

Before granting the visa, the Department checks several things, including:

1. **Relationship and dependency** — the parent-child (or step-child/adopted-child) relationship still exists, and for adult applicants, dependency continues.
2. **Health requirements** — the applicant meets Australia's standard health requirements.
3. **Character and public interest criteria** — including character checks for anyone aged 18 or over.
4. **Best interests of the child** — for applicants under 18, custody and welfare requirements must be satisfied.
5. **Sponsor's ongoing eligibility** — the sponsoring parent still holds their citizenship, permanent residency, or eligible New Zealand citizen status.

Families are expected to notify the Department of any changes in circumstances (for example, a birth, death, or change in relationship status) while the application is being processed.

8 A Special Pathway: Vulnerable Children

The Subclass 802 visa also includes special provisions for vulnerable children in Australia — children who have been abandoned, relinquished for adoption, abused, or neglected, and who are now in the care of a State or Territory government welfare authority (STGWA).

Who Qualifies

- The child must be under 18
- The child must be supported by an official "letter of support" from a STGWA
- This pathway does not apply to informal arrangements, such as a child simply staying with family friends or relatives without STGWA involvement

How It's Different

- Standard application requirements are relaxed
- No visa application charge applies
- A bridging visa (usually without conditions) keeps the child lawful while their case is assessed
- The child undergoes a health assessment, and the overall decision is guided by what is in the public interest and the STGWA's continued support for the application

A Built-In Safeguard: A child granted a visa under the vulnerable child provisions cannot later sponsor a parent for a parent-category visa. This measure exists to prevent the provisions being misused as a way for a parent to eventually gain residency through their child.

9 Quick Reference: Key Requirements at a Glance

Applicant Type	Age Limit	Key Extra Requirements
Child under 18	Under 18	Dependency, health, character, best interests of child
Adult child	Under 25 at application	Full-time student, not working full-time, never partnered/engaged
Adopted child	Under 18 at time of adoption	Evidence of adoption type and process
Step-child	Same as above, plus relationship rule	Birth parent no longer partnered with step-parent; step-parent has legal responsibility
Vulnerable child	Under 18	STGWA letter of support; no application charge

10 Frequently Asked Questions

Q. Does the child need to be in Australia to apply?

Yes. The child must be in Australia both when they apply and when the visa is granted.

Q. Can a step-child apply if their parent and step-parent are still together?

Generally no — in that situation, the step-child would usually be included in the parent's own visa application instead.

Q. What if my child turns 18 while the application is being processed?

If they were under 18 at the time of application, they will continue to be assessed as if they were still under 18.

Q. What if my adult child turns 25 before a decision is made?

As long as they were under 25 at the time of application, they'll continue to be assessed as if still under 25 — provided they still meet the other criteria (like being a full-time student).

Q. Is there a fee for vulnerable child applications?

No — a "nil" visa application charge applies to vulnerable child cases supported by a STGWA letter of support.

Need Help With Your Application?

Every family's circumstances are different, and this visa involves detailed evidence requirements — especially for adult children, step-children, adopted children, and vulnerable child cases. Getting professional advice early can help avoid delays or refusals. Get in touch with our team for a tailored assessment of your child's eligibility.

CALL

+61 424 295 050

EMAIL

fahad@edvisehub.com

COMPANY

Edvise Hub — Education & Migration

MARN: 2619225 — Registered Migration Agent. [Verify on the MARA Register](#)