

The Australian immigration process

How to bring your Filipina wife to Australia

OK, so you know she's the one? What do you do now? I get some common questions asked of me all the time:

(a) Can I get a tourist visa for her?

(b) Can I bring her back with me?

(c) Should I get married over there?

First question? In short, it's VERY difficult to get a tourist visa for an average person from the Philippines, because they believe there is a high risk of her overstaying. Unless she's rich, has a great job and owns significant property, they view it that she has more reasons to overstay in Australia illegally than she does in returning. And the reality is that your letters promising to take care of her will not prevent her from doing a runner if she so chooses. Unless you have some exceptional circumstances, it's generally a waste of time and money to even try the tourist visa route. Plus, the refusal will remain on her Departmental record and may cause difficulty with a legitimate fiancée/spouse visa later. (And no, she really DOESN'T need to come to Australia to "see if she likes it". If she truly loves you, she will be happy wherever you are.)

The answer to the second question is NO, you cannot. Despite stories you may hear (and you will find that everyone is an expert!) about some no-nonsense chap who marched into the Embassy, demanded a visa for his wife, and got it.....it just doesn't work like that. 30 years ago? I have no idea. But these days (if it EVER worked like that) it certainly does not.

There are laws in place which govern who comes to Australia and who doesn't. Never assume that marriage to you turns a girl into an instant Aussie. Within the realms of the Marriage Act (ie. you can't marry your sister, or a child, etc), you may marry anyone. But you don't have an automatic right to bring her home. No one enters Australia without a visa, and visas are only issued when somebody meets the criteria set out by the *Migration Act* of 1958 and the *Migration Regulations* of 1994. Meet the criteria, and they must give her a visa. Do NOT meet the criteria, and they have no choice other than to refuse the visa. It's the law. And the Migration Officers of the Australian Embassy in Manila are charged with administering that law. So you get nowhere by making loud "I'm a taxpayer, so I pay your salary" demands at them!

On the third question? The answer is a definite maybe! It depends! It depends on whether you've been there before. It depends on how experienced a traveller you are, how mentally-flexible you are, how much of a sense of humour you have, and how much time you have on your hands! Let me explain:

The Philippines is a Third World country. It's not Hawaii or Norfolk Island. On my first trip many years ago, I was struck dumb with culture shock! I'd travelled to India years before, and I SHOULD have been more prepared, but I really wasn't. The heat struck me. The taxi drivers pounced. The traffic, the crowds, the poverty and the general chaos, it knocked me for a six. The sense of humour eventually cut in, but as for my ability to meet a girl, meet her family, and organise a wedding? Not a chance!

And apart from all that, you get a 21 day visa automatically on arriving in the Philippines. If you want to stay

longer, you have to apply for an extension of your visa. And you have to give 10 days notice from when you apply for a marriage license to the day you get married. And there are other requirements which require trips to the Australian Embassy too. You really should have a month ahead of you if you want to have a reasonably stress-free marriage. And you really should have met the girl first.....preferably on a previous trip.

So basically if a client asks me which way he should go, I will always point out that it's easier to apply for a fiancée visa and to marry her here. And my emphasis increases if he's never been to the Philippines before! Go there. Meet her. Meet her family. See how she lives. Enjoy yourself!

However, remember that it's a joint decision. If you're a gentleman, you should discuss this all with your bride-to-be. As my friend Perry Gamsby points out in his books (which you all should be considering buying, as they are great value and full of knowledge) she may have her heart set on a wedding in her local Church, walking down the aisle on the arm of her dad. So you may decide to have a second trip, and/or to stay a bit longer. Or a compromise may mean a wedding in Australia, followed by another one in the Philippines with her family!

From an immigration point-of-view? It really doesn't matter very much. It takes around the same length of time. And we can help you with either method. There are:

- (a) Spouse visas (for those who marry in the Philippines, or anywhere overseas),
- (b) Fiance visas (for those who wish to bring their lady to Australia and marry her in Australia), and
- (c) there are even Defacto visas (for those who have been living together in a permanent relationship.....which includes same-sex relationships)

We will not be discussing the preparation and processing of visas here, as to do so would be irresponsible. It's too complicated to generalise about, and broad "how long is a piece of string?" advice will get you into trouble.

Use a Migration Agent, or do it yourself?

A fair question, and one you need to decide for yourself. As a Migration Agent, obviously I think you should use a Migration Agent to do the processing for you. And truthfully I will tell you that with practically every one of our clients we are there to stop them from doing at least ONE silly thing that would have either resulted in an instant refusal, or at the very least caused them some headaches. You take the stress and the risk out of the process by using a professional, and given the importance of the issue (ie. does your wife come and join you, or does she get stuck in the Philippines for several more years or maybe forever?), the extra cost is very small and insignificant in the whole scheme of things.

But the decision is entirely up to you. You do not HAVE to use an agent, and are free to prepare your application yourself. If you do, I would only warn you that Manila is a notoriously tough port to deal with, and they have a very high rate of refusals.

And for goodness sakes, avoid NON-registered agents. In Australia, by LAW, Migration Agents need to be registered with the Migration Agents Registration Authority, and are bound by a strict Code of Conduct. In the Philippines there's an "agent" (aka opportunist) on every corner, bound by no Codes whatsoever. And every travel agent will happily take your money and have a go at it themselves.