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Volume 2: regulations 4.01–5.45 and Schedule 1
Volume 3: Schedule 2 (Subclasses 010–410)
Volume 4: Schedule 2 (Subclasses 416–801)
Volume 5: Schedule 2 (Subclasses 802–995)
Volume 6: Schedules 3–13
Volume 7: Endnotes

Each volume has its own contents

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About this compilation

This compilation

This is a compilation of the *Migration Regulations 1994* that shows the text of the law as amended and in force on 1 January 2015 (the **compilation date**).

This compilation was prepared on 15 January 2015.

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on ComLaw (www.comlaw.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on ComLaw for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on ComLaw for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 4—Review of decisions

Division 4.1—Review of decisions other than decisions relating to protection visas

Note: This Division of Part 4 deals with review of visa decisions. It refers to the definition of *MRT-reviewable decision* in Division 2 of Part 5 of the Act.

Review of decisions relating to protection visas is dealt with in Division 4.2.

4.01 Interpretation

Expressions used in this Part, other than *nominated* and *sponsored*, have the same respective meanings as in Part 5 of the Act.

4.02 Prescribed MRT-reviewable decisions and who may apply for review (Act, ss 338 and 347)

(1AA) For section 337 of the Act, *sponsored* includes being identified in a nomination under section 140GB of the Act.

(1A) For paragraph 338(2)(d) of the Act, the following visas are prescribed:

- (a) a Subclass 401 (Temporary Work (Long Stay Activity)) visa;
- (aa) a Subclass 402 (Training and Research) visa;
- (ab) a Subclass 411 (Exchange) visa;
- (b) a Subclass 415 (Foreign Government Agency) visa;
- (c) a Subclass 416 (Special Program) visa;
- (d) a Subclass 419 (Visiting Academic) visa;
- (e) a Subclass 420 (Entertainment) visa;
- (f) a Subclass 421 (Sport) visa;
- (g) a Subclass 423 (Media and Film Staff) visa;
- (h) a Subclass 427 (Domestic Worker (Temporary)—Executive) visa;
- (i) a Subclass 428 (Religious Worker) visa;

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- (j) a Subclass 442 (Occupational Trainee) visa;
 - (k) a Subclass 457 (Temporary Work (Skilled)) visa;
 - (l) a Subclass 488 (Superyacht Crew) visa.
- (4) For subsection 338(9) of the Act, each of the following decisions is an MRT-reviewable decision:
- (a) a decision under subsection 140E(1) of the Act to refuse a person's application for approval as a sponsor in relation to one or more classes of sponsor;
 - (d) a decision under subsection 140GB(2) of the Act to refuse to approve a nomination;
 - (e) a decision under regulation 5.19 to refuse an application for approval of the nomination of a position;
 - (f) a decision that:
 - (i) relates to requiring a security; and
 - (ii) relates to the refusal to grant a visa, being a visa for which the Minister is to have regard to a criterion to the effect that if an authorised officer has required a security for compliance with any conditions that the officer has indicated to the applicant will be imposed on the visa if it is granted, the security has been lodged;
 - (h) a decision under section 140M of the Act to take 1 or more actions to cancel a sponsor's approval or to bar a sponsor;
 - (j) a decision to refuse to grant a Subclass 173 (Contributory Parent (Temporary)) visa to a contributory parent newborn child;
 - (k) a decision to refuse to grant a Subclass 884 (Contributory Aged Parent (Temporary)) visa to a contributory parent newborn child;
 - (l) a decision to refuse to grant a Subclass 457 (Temporary Work (Skilled)) visa to a non-citizen if:
 - (i) the non-citizen is outside Australia at the time of application; and
 - (ii) the non-citizen was sponsored or nominated, as required by a criterion for the grant of the visa, by:
 - (A) an Australian citizen; or

- (B) a company that operates in the migration zone;
or
 - (C) a partnership that operates in the migration zone; or
 - (D) the holder of a permanent visa; or
 - (E) a New Zealand citizen who holds a special category visa;
- (la) a decision to refuse to grant a Subclass 489 (Skilled—Regional (Provisional)) visa to a non-citizen if:
- (i) the non-citizen is outside Australia at the time of application; and
 - (ii) the non-citizen was sponsored or nominated, as required by a criterion for the grant of the visa, by:
 - (A) an Australian citizen; or
 - (B) a company that operates in the migration zone;
or
 - (C) a partnership that operates in the migration zone; or
 - (D) the holder of a permanent visa; or
 - (E) a New Zealand citizen who holds a special category visa;
- (m) a decision under subregulation 1.20AA(2) to refuse to approve a person or an organisation as a sponsor of a temporary visa applicant;
- (n) a decision under subsection 140GA(2) of the Act not to vary a term specified in an approval.
- (4A) For paragraph (4)(a), the decision is not an MRT-reviewable decision if the decision relates to a person:
- (a) whose application for approval as an approved sponsor in relation to the standard business sponsor class has been refused; and
 - (b) in making the decision, the Minister did not consider the criteria at paragraphs 2.59(d) and (e).

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Note: The Minister is required to consider the criteria at paragraphs 2.59(d) and (e) only if the applicant is lawfully operating a business in Australia.

(4B) For paragraphs (4)(d) and (h), the decision is not an MRT-reviewable decision:

- (a) if the decision relates to a person who is:
 - (i) a standard business sponsor; or
 - (ii) a former standard business sponsor; and
- (b) either:
 - (i) in making the decision under subsection 140E(1) of the Act (whether to approve the person as a standard business sponsor), the Minister did not consider the criteria at paragraphs 2.59(d) and (e); or
 - (ii) in making the decision under subsection 140GA(2) of the Act (whether to vary the terms of approval), the Minister did not consider the criteria at paragraphs 2.68(e) and (f).

Note: The Minister is required to consider the criteria at paragraphs 2.59(d) and (e) or paragraphs 2.68(e) and (f) only if the applicant is lawfully operating a business in Australia.

(4C) For paragraph (4)(n), the decision is not an MRT-reviewable decision if:

- (a) the decision relates to a person who is:
 - (i) a standard business sponsor; or
 - (ii) a former standard business sponsor; and
- (b) in making the decision under subsection 140GA(2) of the Act (whether to vary the terms of approval), the Minister did not consider the criteria at paragraphs 2.68(e) and (f).

Note: The Minister is required to consider the criteria at paragraphs 2.68(e) and (f) only if the applicant is lawfully operating a business in Australia.

(5) For paragraph 347(2)(d) of the Act, an application for review of a decision mentioned in subregulation (4) may only be made by:

- (a) in the case of a decision mentioned in paragraph (4)(a)—a person to whose application the decision relates;

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- (c) in the case of a decision mentioned in paragraph (4)(d)—the approved sponsor who made the nomination;
- (d) in the case of a decision mentioned in paragraph (4)(e)—the employer to whose nomination of a position the decision relates;
- (e) in the case of a decision to which paragraph (4)(f) applies—the non-citizen in relation to whom the decision is made;
- (g) in the case of a decision mentioned in paragraph (4)(h)—the person whose approval is cancelled or who has been barred;
- (h) in the case of a decision to which paragraph (4)(j) applies—the sponsor of the contributory parent newborn child;
- (i) in the case of a decision to which paragraph (4)(k) applies—the applicant;
- (k) in the case of a decision to which paragraph (4)(l) relates—the sponsor or nominator;
- (ka) in the case of a decision to which paragraph (4)(la) relates—the sponsor or nominator;
- (l) in the case of a decision to which paragraph (4)(m) applies—the person or organisation to whose approval the decision relates;
- (m) in the case of a decision to which paragraph (4)(n) applies—the approved sponsor who applied for a variation of the term.

4.10 Time for lodgment of applications with Tribunal (Act, s 347)

- (1) For paragraph 347(1)(b) of the Act, the period in which an application for review of an MRT-reviewable decision must be given to the Tribunal:
 - (a) if the MRT-reviewable decision is mentioned in subsection 338(2) or (7A) of the Act—starts when the applicant receives notice of the decision and ends at the end of 21 days after the day on which the notice is received; or
 - (b) if the MRT-reviewable decision is mentioned in subsection 338 (3) r (3A) of the Act—starts when the applicant receives notice of the decision and ends at the end

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- of 7 working days after the day on which the notice is received; or
- (c) if the MRT-reviewable decision is mentioned in subsection 338(5), (6), (7) or (8) of the Act—starts when the applicant receives notice of the decision and ends at the end of 70 days after the day on which the notice is received; or
 - (d) if the MRT-reviewable decision is prescribed under subsection 338(9) of the Act—starts when the applicant receives notice of the decision and ends at the end of 21 days after the day on which the notice is received.
- (2) However, the period in which an application by a detainee for review of an MRT-reviewable decision must be given to the Tribunal:
- (a) in the case of an application for review of a decision of a kind mentioned in subsection 338(4) of the Act—starts when the detainee receives notice of the decision and ends at the end of 2 working days after the day on which the notice is received; or
 - (aa) in the case of an application for review of a decision to which paragraph 4.02(4)(f) applies—starts when the detainee receives notice of the decision to refuse to grant the visa mentioned in subparagraph 4.02(4)(f)(ii) and ends at the end of 2 working days after the day on which the notice is received; or
 - (b) in any other case—starts when the detainee receives notice of the decision and ends at the end of 7 working days after the day on which the notice is received.
- (2A) For subparagraph 347(1)(b)(iii) of the Act, the prescribed number of days in respect of an MRT-reviewable decision prescribed under subsection 338(9) of the Act is 28 days.

Note: For subparagraph 347(1)(b)(iii) of the Act, there must be a prescribed number of days in respect of kinds of decisions covered by subsection 338(9) of the Act. The prescribed period for applications for review must end not later than the prescribed number of days after notification of the decision.

4.11 Giving the application to the Tribunal

- (1) An application for review by the Tribunal must be given to the Tribunal by:
 - (a) leaving it with an officer of the Tribunal at a registry of the Tribunal, or with a person specified in a direction given by the Principal Member under section 353A of the Act; or
 - (b) sending the application by pre-paid post to a registry of the Tribunal; or
 - (c) having the application delivered by post, or by hand, to an address specified in a direction given by the Principal Member under section 353A of the Act; or
 - (d) faxing the application to a fax number specified in a direction given by the Principal Member under section 353A of the Act; or
 - (e) transmitting it to a registry of the Tribunal by other electronic means specified in a direction given by the Principal Member under section 353A of the Act.
- (2) An application made to the Tribunal in accordance with paragraph (1)(a) or (b) is taken to have been received by the Tribunal at the time the Tribunal receives it.
- (3) An application made to the Tribunal in accordance with paragraph (1)(c) is taken to have been received by the Tribunal at the time it is received at the relevant address.
- (4) An application made to the Tribunal in accordance with paragraph (1)(d) is taken to have been received by the Tribunal at the time it is received at the relevant fax number.
- (5) An application made to the Tribunal in accordance with paragraph (1)(e) is taken to have been received by the Tribunal at the time the Tribunal receives it.

4.12 Combined applications for Tribunal review

- (2) If:

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- (a) 2 or more applicants have combined their primary applications in Australia in a way permitted by Schedule 1 or regulation 2.08, 2.08A or 2.08B; and
 - (b) the Minister's decisions in respect of 2 or more of those applicants are that a visa not be granted; and
 - (c) the Minister's decisions are MRT-reviewable decisions;the applicants referred to in paragraph (b) may combine their applications for review by the Tribunal of the Minister's decisions.
- (4) If:
 - (a) a person has nominated or sponsored 2 or more members of a family unit in respect of their primary applications for visas of a kind referred to in subsection 338(5) of the Act; and
 - (b) the Minister's decisions in respect of 2 or more of the members of that family unit are that a visa not be granted; and
 - (c) the Minister's decisions are MRT-reviewable decisions;the nominator or sponsor may combine his or her applications for review by the Tribunal of the Minister's decisions in respect of each of the members of the family unit to whom the Minister refused to grant a visa.
- (5) If a person applies for review by the Tribunal of:
 - (a) a decision to which paragraph 4.02(4)(f) applies; and
 - (b) a decision to refuse to grant the visa mentioned in subparagraph 4.02 (4) (f) (ii) that is an MRT-reviewable decision;the applications for review by the Tribunal of the decisions are taken to be combined.
- (6) If:
 - (a) 2 or more visa applicants have combined their primary applications, in a way permitted by Schedule 1 or regulation 2.08, 2.08A or 2.08B, for visas of a kind referred to in subsection 338(6) or (7) of the Act; and
 - (b) the Minister's decisions in respect of 2 or more of those visa applicants are that visas not be granted; and

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(c) the Minister's decisions are MRT-reviewable decisions;
the Australian citizen or Australian permanent resident who is a parent, spouse, de facto partner, child, brother or sister of the visa applicants may combine his or her applications for review by the Tribunal of the Minister's decisions in respect of each of those visa applicants to whom the Minister refused to grant a visa.

4.13 Tribunal review—fees and waiver

- (1) Subject to this regulation, the fee for an application for review of a decision by the Tribunal is \$1,540.

Note: The fee in subregulation (1) is subject to increase under regulation 4.13A.

- (2) No fee is payable on the following:
- (a) an application for review by the Tribunal of a primary decision of a kind referred to in subsection 338(4) of the Act;
 - (b) an application, made by a non-citizen who is in immigration detention, for review by the Tribunal of a decision to which paragraph 4.02(4)(f) applies.
- (3) If a person combines 2 or more applications for review by the Tribunal in accordance with regulation 4.12, an application fee is payable in respect of only 1 of those applications.
- (4) If the Registrar, or a Deputy Registrar, of the Tribunal, or another officer of the Tribunal authorised in writing by the Registrar, is satisfied that the payment of the fee mentioned in subregulation (1) has caused, or is likely to cause, severe financial hardship to the review applicant, the Registrar, Deputy Registrar or officer may determine that the fee payable is 50% of the amount mentioned in subregulation (1).

4.13A Biennial increases in fees

Despite any other provision of these Regulations, the fee prescribed by subregulation 4.13(1) is increased, in accordance with regulation 4.13B, on each biennial anniversary of 1 July 2011.

Regulation 4.13B

4.13B Calculation of increase

- (1) If, in a relevant period, the latest CPI number is greater than the earlier CPI number, a fee is taken to increase, on 1 July immediately following the end of the period, in accordance with the formula:

$$\frac{\text{Fee} \times \text{Latest CPI number}}{\text{Earlier CPI number}}$$

where:

earlier CPI number is the CPI number for the last March quarter before the beginning of the relevant period.

latest CPI number is the CPI number for the last March quarter before the end of the relevant period.

- (2) If, apart from this subregulation, the amount of a fee increased under subregulation (1) would be an amount of dollars and cents, the amount is to be rounded to the nearest whole dollar and, if the amount to be rounded is 50 cents, rounded down.
- (3) Subject to subregulation (4), if at any time, whether before or after the commencement of this regulation, the Australian Statistician publishes for a particular March quarter a CPI number in substitution for an index number previously published by the Australian Statistician for that quarter, the publication of the later index number is to be disregarded for the purposes of this regulation.
- (4) If, at any time, whether before or after the commencement of this regulation, the Australian Statistician changes the reference base for the Consumer Price Index, then, for the purposes of the application of this regulation after the change is made, regard must be had only to numbers published in terms of the new reference base.
- (5) In this regulation:

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CPI number means the All Groups Consumer Price Index number (being the weighted average of the 8 Australian capital cities) published by the Australian Statistician.

fee means:

- (a) a fee prescribed by subregulation 4.13(1); or
- (b) the fee in force at the end of the relevant period if regulation 4.13A applies.

relevant period means any of the following periods:

- (a) the 2 year period commencing on 1 July 2011;
- (b) after that period—each 2 year period commencing on a biennial anniversary of 1 July 2011.

4.14 Refund of fees by Tribunal

- (1) The table sets out:
 - (a) circumstances in which all or part of the amount of the fee for an application for review of a decision is to be refunded; and
 - (b) the amount that is to be refunded.

Item	If ...	the amount to be refunded is ...
<i>Refunds for severe financial hardship</i>		
1	the applicant has paid the amount mentioned in subregulation 4.13(1) and the Registrar, or a Deputy Registrar, of the Tribunal, or another officer of the Tribunal, has made a determination mentioned in subregulation 4.13(4)	50% of the amount mentioned in subregulation 4.13(1)
<i>General refunds</i>		
2	the applicant is not entitled to apply for review by the Tribunal	the amount that the applicant was required to pay by regulation 4.13
3	the decision to which the application relates is not subject to review by the Tribunal	the amount that the applicant was required to pay by regulation 4.13

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Item	If ...	the amount to be refunded is ...
4	the Minister has given a conclusive certificate as mentioned in section 339 of the Act (which deals with conclusive certificates) in relation to the decision Note: The conclusive certificate certifies that review would be contrary to the public interest.	the amount that the applicant was required to pay by regulation 4.13
<i>Refunds after Tribunal decision</i>		
5	the decision to which the review relates is set aside or varied	50% of the amount mentioned in subregulation 4.13(1)
6	the application is remitted to the primary decision-maker for reconsideration	50% of the amount mentioned in subregulation 4.13(1)

- (2) If an application for review by the Tribunal is withdrawn, the fee paid on the application is to be refunded if the application is withdrawn because:
- (a) the death has occurred, since the visa application was made, of:
 - (i) the applicant for the visa that was the subject of the application; or
 - (ii) a member of that applicant's family unit; or
 - (iii) a review applicant; or
 - (b) the applicant for the visa that was the subject of the application has been granted a visa of the class applied for otherwise than because the Minister has reconsidered the primary application and the applicant's score on the reconsideration is more than or equal to the applicable pass mark; or
 - (c) in relation to an application for a parent visa—the applicant:
 - (i) applied for another parent visa after lodging the application for review; and
 - (ii) wants to have a decision made on the application for the other parent visa.

4.15 Tribunal's power to give directions

- (1) For paragraph 349(2)(c) of the Act (which deals with the Tribunal's power to remit):
 - (a) an application for a visa or entry permit made on or after 19 December 1989 is a prescribed matter; and
 - (b) subject to subregulation (4), a permissible direction is that the applicant must be taken to have satisfied a specified criterion for the visa or entry permit.
 - (2) For paragraph 349(2)(c) of the Act, the requiring of a security that is mentioned in paragraph 4.02(4)(f) is a prescribed matter.
 - (3) If the MRT remits a prescribed matter that is mentioned in subregulation (2) to the primary decision-maker, the MRT may direct the primary decision-maker:
 - (a) to indicate to the applicant that a condition specified by the MRT will be imposed on the visa if it is granted; and
 - (b) to require a security for compliance with the condition (whether or not a security has already been required).
- Note 1: **Prescribed matter:** in this case, a matter that the Tribunal may remit for reconsideration.
- Note 2: *See s 390 of the Act, which modifies the Administrative Appeals Tribunal Act 1975 for the purposes of review by the Administrative Appeals Tribunal of migration decisions. Under s 43(1A)(c), taken to be inserted in the Administrative Appeals Tribunal Act for those purposes, the matters set out in regulation 4.15 apply also to review by the Administrative Appeals Tribunal.*
- (4) If, under subregulation 2.08E(2B), the MRT remits a prescribed matter mentioned in paragraph (1)(a) to the Minister for reconsideration, the MRT must not make a direction in relation to that matter other than the direction mentioned in subregulation 2.08E(2B).

Regulation 4.16

4.16 Statement about decision under review

The number of copies that the Secretary must give to the Registrar under subsection 352(2) of the Act (which deals with the statement that the Secretary must give to the Tribunal) is 1.

4.17 Prescribed periods—invitation to comment or give additional information (Act, s 359B(2))

- (1) This regulation applies, for subsection 359B(2) of the Act, if a person is invited to give additional information, or to comment on information, other than at an interview.
- (2) If the invitation relates to an application for review of a decision that applies to a detainee seeking review of a decision under subsection 338(4) of the Act, the prescribed period for giving the information or comments:
 - (a) commences when the detainee receives the invitation; and
 - (b) ends at the end of:
 - (i) 2 working days after the day the detainee receives the invitation; or
 - (ii) if the detainee agrees, in writing, to a shorter period of not less than 1 working day—the shorter period.
- (3) If the invitation relates to an application for review of a decision that applies to a detainee who is not seeking review of a decision under subsection 338(4) of the Act, the prescribed period for giving the information or comments:
 - (a) commences when the detainee receives the invitation; and
 - (b) ends at the end of:
 - (i) 7 days after the day the detainee receives the invitation; or
 - (ii) if the detainee agrees, in writing, to a shorter period of not less than 1 working day—the shorter period.
- (4) If the invitation relates to any other application for review of a decision, the prescribed period for giving the information or comments:

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- (a) commences when the person receives the invitation; and
- (b) ends at the end of:
 - (i) 14 days after the day the person receives the invitation;
or
 - (ii) if the person agrees, in writing, to a shorter period of not less than 1 working day—the shorter period.
- (6) A response to the invitation is taken to be given to the Tribunal when a registry of the Tribunal receives the response.

Note 1: If the Tribunal gives a person a document by a method specified in section 379A of the Act, the person is taken to have received the document at the time specified in section 379C of the Act in respect of the method.

Note 2: A document given to a person in immigration detention is given in the manner specified in regulation 5.02.

4.18 Prescribed periods—invitation to comment or give additional information (Act, s 359B(3))

- (1) This regulation applies, for paragraph 359B(3)(b) of the Act, if a person is invited to give additional information, or to comment on information, at an interview.
- (2) If the invitation relates to an application for review of a decision that applies to a detainee seeking review of a decision under subsection 338(4) of the Act, the prescribed period for giving the information or comments:
 - (a) commences when the detainee receives the invitation; and
 - (b) ends at the end of 2 working days after the day the detainee receives the invitation.
- (3) If the invitation relates to an application for review of a decision that applies to a detainee who is not seeking review of a decision under subsection 338(4) of the Act, the prescribed period for giving the information or comments:
 - (a) commences when the detainee receives the invitation; and
 - (b) ends at the end of 14 days after the day the detainee receives the invitation.

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Division 4.1 Review of decisions other than decisions relating to protection visas

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- (4) If the invitation relates to any other application for review of a decision, the prescribed period for giving the information or comments:
- (a) commences when the person receives the invitation; and
 - (b) ends at the end of 28 days after the day the person receives the invitation.

Note 1: If the Tribunal gives a person a document by a method specified in section 379A of the Act, the person is taken to have received the document at the time specified in section 379C of the Act in respect of the method.

Note 2: A document given to a person in immigration detention is given in the manner specified in regulation 5.02.

4.18A Prescribed periods—invitation to comment or give additional information (Act, s 359B(4))

- (1) This regulation applies, for subregulation 359B(4) of the Act, if:
- (a) a person is invited to give additional information, or to comment on information, within a period prescribed in regulation 4.17; and
 - (b) the invitation is to give the information or comments other than at an interview; and
 - (c) the prescribed period is to be extended by the Tribunal.
- (2) If the invitation relates to an application for review of a decision that applies to a detainee seeking review of a decision under subsection 338(4) of the Act, the period by which the Tribunal may extend the prescribed period:
- (a) commences when the detainee receives notice of the extended period; and
 - (b) ends at the end of:
 - (i) 2 working days after the day the detainee receives notice of the extended period; or
 - (ii) if the detainee agrees, in writing, to a shorter period of not less than 1 working day—the shorter period.

Regulation 4.18B

- (3) If the invitation relates to an application for review of a decision that applies to a detainee who is not seeking review of a decision under subsection 338(4) of the Act, the period by which the Tribunal may extend the prescribed period:
- (a) commences when the detainee receives notice of the extended period; and
 - (b) ends at the end of:
 - (i) 14 days after the day the detainee receives notice of the extended period; or
 - (ii) if the detainee agrees, in writing, to a shorter period of not less than 1 working day—the shorter period.
- (4) If the invitation relates to any other application for review of a decision, the period by which the Tribunal may extend the prescribed period:
- (a) commences when the person receives notice of the extended period; and
 - (b) ends at the end of:
 - (i) 14 days after the day the person receives notice of the extended period; or
 - (ii) if the person agrees, in writing, to a shorter period of not less than 1 working day—the shorter period.
- (6) A response to the invitation is taken to be given to the Tribunal when a registry of the Tribunal receives the response.
- Note 1: If the Tribunal gives a person a document by a method specified in section 379A of the Act, the person is taken to have received the document at the time specified in section 379C of the Act in respect of the method.
- Note 2: A document given to a person in immigration detention is given in the manner specified in regulation 5.02.

4.18B Prescribed periods—invitation to comment or give additional information (Act, s 359B(5))

- (1) This regulation applies, for paragraph 359B(5)(b) of the Act, if:

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- (a) a person is invited to give additional information, or to comment on information, within a period prescribed in regulation 4.18; and
 - (b) the invitation is to give the information or comments at an interview; and
 - (c) the prescribed period is to be extended by the Tribunal.
- (2) If the invitation relates to an application for review of a decision that applies to a detainee seeking review of a decision under subsection 338(4) of the Act, the period by which the Tribunal may extend the prescribed period:
 - (a) commences when the detainee receives notice of the extended period; and
 - (b) ends at the end of 2 working days after the day the detainee receives notice of the extended period.
- (3) If the invitation relates to an application for review of a decision that applies to a detainee who is not seeking review of a decision under subsection 338(4) of the Act, the period by which the Tribunal may extend the prescribed period:
 - (a) commences when the detainee receives notice of the extended period; and
 - (b) ends at the end of 14 days after the day the detainee receives notice of the extended period.
- (4) If the invitation relates to any other application for review of a decision, the period by which the Tribunal may extend the prescribed period:
 - (a) commences when the person receives notice of the extended period; and
 - (b) ends at the end of 14 days after the day the person receives notice of the extended period.

Note 1: If the Tribunal gives a person a document by a method specified in section 379A of the Act, the person is taken to have received the document at the time specified in section 379C of the Act in respect of the method.

Note 2: A document given to a person in immigration detention is given in the manner specified in regulation 5.02.

4.19 Summons to attend before Tribunal

- (1) For paragraph 363(3)(a) of the Act, this regulation sets out the manner of serving on a person a summons to appear before the Tribunal to give evidence.
- (2) For paragraph 363(3)(b) of the Act, this regulation sets out the manner of serving on a person a summons to produce to the Tribunal such documents as are referred to in the summons.
- (3) If the person has notified the Tribunal of an address for service under regulation 4.39, the summons must be served by one of the methods specified in section 379A of the Act.

Note 1: If the Tribunal gives a person a document by a method specified in section 379A of the Act, the person is taken to have received the document at the time specified in section 379C of the Act in respect of the method.

Note 2: A document given to a person in immigration detention is given in the manner specified in regulation 5.02.

- (4) If the person has not notified the Tribunal of an address for service under regulation 4.39, the summons must be served in one of the following ways:
 - (a) by handing it to the person personally;
 - (b) by handing it to another person who:
 - (i) is at the person's last residential or business address known to the Tribunal; and
 - (ii) appears to live there (in the case of a residential address) or work there (in the case of a business address); and
 - (iii) appears to be at least 16 years of age;
 - (c) by dating it, and then dispatching it:
 - (i) within 3 working days (in the place of dispatch) of the date of the document; and
 - (ii) by prepaid post or by other prepaid means;to the person's last residential or business address known to the Tribunal.

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4.20 Fees for persons giving evidence

- (1) For the purposes of subsection 374(1) of the Act (which deals with the fees and allowances to be paid to a person summoned to give evidence), the fees and allowances for expenses to be paid to a person summoned to appear before the Tribunal in relation to a review by the Tribunal are the fees and allowances in accordance with the scale in Schedule 2 to the Administrative Appeals Tribunal Regulations as in force from time to time.
- (2) The presiding member of the Tribunal is to determine the fees and allowances (if any) payable to a person under subregulation (1).

4.21 Prescribed periods—notice to appear before Tribunal

- (1) For subsection 360A(4) of the Act, this regulation sets out the prescribed period of notice of the day on which, and the time and place at which, an applicant is scheduled to appear before the Tribunal in response to an invitation.
- (2) If the invitation relates to an application for review of a decision that applies to a detainee seeking review of a decision under subsection 338(4) of the Act, the period of notice:
 - (a) commences when the detainee receives notice of the invitation to appear before the Tribunal; and
 - (b) ends at the end of:
 - (i) 2 working days after the day the detainee receives notice of the invitation to appear before the Tribunal; or
 - (ii) if the detainee agrees, in writing, to a shorter period of not less than 1 working day—the shorter period.
- (3) If the invitation relates to an application for review of a decision that applies to a detainee who is not seeking review of a decision under subsection 338(4) of the Act, the period of notice:
 - (a) commences when the detainee receives notice of the invitation to appear before the Tribunal; and
 - (b) ends at the end of:

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- (i) 7 days after the day the detainee receives notice of the invitation to appear before the Tribunal; or
 - (ii) if the detainee agrees, in writing, to a shorter period of not less than 1 working day—the shorter period.
- (4) If the invitation relates to any other application for review of a decision, the period of notice:
 - (a) commences when the person receives notice of the invitation to appear before the Tribunal; and
 - (b) ends at the end of:
 - (i) 14 days after the day the person receives notice of the invitation to appear before the Tribunal; or
 - (ii) if the person agrees, in writing, to a shorter period of not less than 1 working day—the shorter period.

Note 1: If the Tribunal gives a person a document by a method specified in section 379A of the Act, the person is taken to have received the document at the time specified in section 379C of the Act in respect of the method.

Note 2: A document given to a person in immigration detention is given in the manner specified in regulation 5.02.

4.22 Numbers of Senior Members and members of Tribunal (Act, s 395)

- (1) For paragraph 395(b) of the Act (which deals with the number of Senior Members of the Tribunal), 15 is prescribed.
- (2) For paragraph 395(c) of the Act (which deals with the number of members of the Tribunal), 163 is prescribed.

4.23 Expedited review (close family visit visas)

- (1) This regulation applies to review of a decision to refuse to grant a Sponsored (Visitor) (Class UL) visa, a Tourist (Class TR) visa or a Subclass 600 (Visitor) visa if and only if:
 - (a) the applicant stated in his or her application that he or she intended to visit Australia, or remain in Australia as a visitor, for the purposes of visiting an Australian citizen or an

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- Australian permanent resident who is a parent, spouse, de facto partner, child, brother or sister of the applicant; and
- (b) that application was made to allow the applicant to participate in an event of special family significance in which he or she is directly concerned; and
 - (c) the applicant identified the event and the applicant's concern in that application; and
 - (d) that application was refused because either:
 - (i) the Minister was not satisfied that the expressed intention of the applicant only to visit Australia was genuine; or
 - (ii) the applicant did not satisfy public interest criterion 4011; and
 - (e) the application was made long enough before the event to allow for review by the Tribunal if the application were refused.
- (3) The decision must be reviewed immediately by the Tribunal on receipt of an application for review of the decision.
- (4) A review authority must give notice to the applicant of its decision in respect of an application for review as soon as practicable.

4.24 Expedited review (decisions to cancel visas)

- (1) A decision to cancel a visa (other than a decision of a kind referred to in subsection 338(4) of the Act) must be reviewed immediately by the Tribunal on receipt by it of an application for review of the decision.
- (2) The Tribunal must give notice of its decision in respect of an application for review to the applicant as soon as practicable.

4.25 Expedited review (certain applicants in immigration detention)

- (1) If:
 - (a) a decision is made to refuse a substantive visa; and

- (b) the person who applied for the visa is in immigration detention when the review application is made;
the Tribunal must review the decision immediately on receipt of the application.
- (2) The Tribunal must give notice of its decision in respect of an application for review to the applicant as soon as practicable.

4.26 Prescribed periods—reconstitution of Tribunal (Act, s 355A)

For subparagraph 355A(2)(c)(ii) of the Act, the prescribed period:

- (a) if the applicant for review of a decision, except a decision to which regulation 4.27 applies, is a detainee when the Tribunal is constituted for the review—starts when the Tribunal is constituted and ends at the end of 2 months after the day on which the Tribunal is constituted; or
- (b) if the applicant for review is not a detainee when the Tribunal is constituted for the review—starts when the Tribunal is constituted and ends at the end of 3 months after the day on which the Tribunal is constituted.

4.27 Prescribed period for making certain decisions (Act, s 367)

For subsection 367(1) of the Act, the prescribed period starts when the application for review is received by the Tribunal and ends at the end of 7 working days after the day on which the application is received.

Note: Subsection 367(1) of the Act provides for the regulations to limit the time in which the Tribunal must review certain decisions on bridging visas.

Division 4.2—Refugee Review Tribunal and decisions relating to protection visas

Subdivision 4.2.1—Introductory

4.28 Interpretation

Expressions used in this Division and in Part 7 of the Act have the same respective meanings in this Division as in that Part.

Subdivision 4.2.2—Tribunal members

4.29 Membership

For the purposes of subsection 458(2) of the Act, the prescribed number of members (other than the Principal Member) of the Tribunal is 179.

4.30 Prescribed periods—reconstitution of Tribunal (Act, s 422A)

For subparagraph 422A(2)(c)(ii) of the Act, the prescribed period:

- (a) if the applicant for review of a decision is a detainee when the Tribunal is constituted for the review—starts when the Tribunal is constituted and ends at the end of 2 months after the day on which the Tribunal is constituted; or
- (b) if the applicant for review is not a detainee when the Tribunal is constituted for the review—starts when the Tribunal is constituted and ends at the end of 3 months after the day on which the Tribunal is constituted.

Subdivision 4.2.3—General

4.31 Time for lodgement of application with Tribunal

- (1) For paragraph 412(1)(b) of the Act, if an applicant is in immigration detention on the day the applicant is notified of an

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RRT-reviewable decision, the period in which an application for review of the decision must be given to the Tribunal by or for the applicant is 7 working days, commencing on:

- (a) the day the applicant is notified of the decision; or
 - (b) if that day is not a working day—the first working day after that day.
- (2) For paragraph 412(1)(b) of the Act, if an applicant is not in immigration detention on the day the applicant is notified of an RRT-reviewable decision, the period in which an application for review of the decision must be given to the Tribunal by or for the applicant is 28 days, commencing on the day the applicant is notified of the decision.

Note: If the Minister gives a person a document by a method specified in section 494B of the Act, the person is taken to have received the document at the time specified in section 494C of the Act in respect of the method.

4.31AA Giving application to the Tribunal

- (1) An application for review by the Tribunal of an RRT-reviewable decision must be given to the Tribunal by:
- (a) leaving it with an officer of the Tribunal at a registry of the Tribunal, or with a person specified in a direction given by the Principal Member under section 420A of the Act; or
 - (b) sending it by pre-paid post to a registry of the Tribunal; or
 - (c) having it delivered by post, or by hand, to an address specified in a direction given by the Principal Member under section 420A of the Act; or
 - (d) faxing it to a fax number specified in a direction given by the Principal Member under section 420A of the Act; or
 - (e) transmitting it to a registry of the Tribunal by other electronic means specified in a direction given by the Principal Member under section 420A of the Act.
- (2) An application made to the Tribunal in accordance with paragraph (1)(a) or (b) is taken to have been received by the Tribunal at the time the Tribunal receives it.

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- (3) An application made to the Tribunal in accordance with paragraph (1)(c) is taken to have been received by the Tribunal at the time it is received at the relevant address.
- (4) An application made to the Tribunal in accordance with paragraph (1)(d) is taken to have been received by the Tribunal at the time it is received at the relevant fax number.
- (5) An application made to the Tribunal in accordance with paragraph (1)(e) is taken to have been received by the Tribunal at the time the Tribunal receives it.

4.31A Combined applications for review by the Tribunal

If:

- (a) 2 or more applicants have combined their primary applications for a protection visa in a way permitted by Schedule 1 or regulation 2.08, 2.08A or 2.08B; and
 - (b) the Minister's decisions in respect of 2 or more of those applicants are that protection visas not be granted; and
 - (c) the Minister's decisions are RRT-reviewable decisions;
- the applicants referred to in paragraph (b) may combine their applications for review by the Tribunal of the Minister's decisions.

4.31B Review by the Tribunal—fee and waiver

- (1) The fee for review by the Tribunal of an RRT-reviewable decision is:
 - (b) if the application for review was made on or after 1 July 2003 and before 1 July 2011—\$1,400; or
 - (c) if the application for review was made on or after 1 July 2011—\$1,540.

Note: The fee in paragraph (1)(c) is subject to increase under regulation 4.31BA.

- (2) The fee is payable within 7 days of the time when notice of the decision of the Tribunal is taken to be received by the applicant in accordance with section 441C of the Act.

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Note: Under regulation 4.40, notice of a decision of the Tribunal is given by one of the methods specified in section 441A of the Act.

- (3) No fee is payable if the Tribunal determines that the applicant for the visa that was the subject of the review is a person to whom Australia has protection obligations:
- (a) under the Refugees Convention as amended by the Refugees Protocol; or
 - (b) because there are substantial grounds for believing that, as a necessary and foreseeable consequence of the applicant being removed from Australia to a receiving country, there is a real risk that the applicant will suffer significant harm.
- (3A) No further fee is payable under this regulation if:
- (a) a fee has been paid under this regulation; and
 - (b) following the Tribunal's determination, the matter in relation to which the fee was paid is remitted by a court for reconsideration by the Tribunal.
- (4) If 2 or more applications for review are combined in accordance with regulation 4.31A, only 1 fee is payable for reviews that result from those applications.

4.31BA Biennial increases in fees

Despite any other provision of these Regulations, the fee prescribed by paragraph 4.31B(1)(c) is increased in accordance with regulation 4.31BB, on each biennial anniversary of 1 July 2011.

4.31BB Calculation of increase

- (1) If, in a relevant period, the latest CPI number is greater than the earlier CPI number, a fee is taken to increase, on 1 July immediately following the end of the period, in accordance with the formula:

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$$\frac{\text{Fee} \times \text{Latest CPI number}}{\text{Earlier CPI number}}$$

where:

earlier CPI number is the CPI number for the last March quarter before the beginning of the relevant period; and

latest CPI number is the CPI number for the last March quarter before the end of the relevant period.

- (2) If, apart from this subregulation, the amount of a fee increased under subregulation (1) would be an amount of dollars and cents, the amount is to be rounded to the nearest whole dollar and, if the amount to be rounded is 50 cents, rounded down.
- (3) Subject to subregulation (4), if at any time, whether before or after the commencement of this regulation, the Australian Statistician publishes for a particular March quarter a CPI number in substitution for an index number previously published by the Australian Statistician for that quarter, the publication of the later index number is to be disregarded for the purposes of this regulation.
- (4) If, at any time, whether before or after the commencement of this regulation, the Australian Statistician changes the reference base for the Consumer Price Index, then, for the purposes of the application of this regulation after the change is made, regard must be had only to numbers published in terms of the new reference base.
- (5) In this regulation:

CPI number means the All Groups Consumer Price Index number (being the weighted average of the 8 Australian capital cities) published by the Australian Statistician.

fee means:

- (a) a fee prescribed by paragraph 4.31B(1)(c); or
- (b) the fee in force at the end of the relevant period if regulation 4.31BA applies.

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relevant period means any of the following periods:

- (a) the 2 year period commencing on 1 July 2011;
- (b) after that period—each 2 year period commencing on a biennial anniversary of 1 July 2011.

4.31C Refund (or waiver) of fee for review by the Tribunal

- (1) This regulation applies to a review of a decision if:
 - (a) both:
 - (i) on review by a court, the decision is remitted for reconsideration by the Tribunal; and
 - (ii) the Tribunal determines that the applicant for the visa that was the subject of the review is a person to whom Australia has protection obligations under the Refugees Convention as amended by the Refugees Protocol; or
 - (aa) both:
 - (i) on review by a court, the decision is remitted for reconsideration by the Tribunal; and
 - (ii) the Tribunal determines that the applicant for the visa that was the subject of the review is a person to whom Australia has protection obligations because there are substantial grounds for believing that, as a necessary and foreseeable consequence of the applicant being removed from Australia to a receiving country, there is a real risk that the applicant will suffer significant harm; or
 - (b) the Minister, under section 417 of the Act, has substituted for the decision of the Tribunal a decision that is favourable to the applicant.
- (2) A fee paid under regulation 4.31B, or liable to be paid under regulation 4.31B, in relation to a decision to which this regulation applies is to be refunded, or waived, as the case requires.

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4.33 Powers of Tribunal

- (1) For the purposes of paragraph 415(2)(c) of the Act, an application for a protection visa is prescribed.
- (2) For the purposes of paragraphs 415(2)(c) of the Act and 43(1A)(c) of the *Administrative Appeals Tribunal Act 1975* (as substituted in relation to an RRT-reviewable decision by section 452 of the Act), it is a permissible direction that the applicant must be taken to have satisfied the criteria for the visa that are specified in the direction.
- (3) For paragraph 415(2)(c) of the Act and paragraph 43(1A)(c) of the *Administrative Appeals Tribunal Act 1975* (as substituted in relation to an RRT-reviewable decision by section 452 of the Act):
 - (a) it is a permissible direction that the applicant satisfies each matter, specified in the direction, that relates to establishing whether the applicant is a person to whom Australia has protection obligations under the 1951 Convention relating to the Status of Refugees as amended by the 1967 Protocol relating to the Status of Refugees; but
 - (b) it is not a permissible direction that the applicant satisfies a matter specified in Article 1F, 32 or 33(2) of the Convention.
- (4) For paragraph 415(2)(c) of the Act and paragraph 43(1A)(c) of the *Administrative Appeals Tribunal Act 1975* (as substituted in relation to an RRT-reviewable decision by section 452 of the Act):
 - (a) it is a permissible direction that the applicant satisfies each matter, specified in the direction, that relates to establishing whether the applicant is a person to whom Australia has protection obligations because there are substantial grounds for believing that, as a necessary and foreseeable consequence of the applicant being removed from Australia to a receiving country, there is a real risk that the applicant will suffer significant harm; and
 - (b) it is not a permissible direction that the applicant satisfies a matter that relates to establishing whether there are serious reasons for considering that:

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- (i) the applicant has committed a crime against peace, a war crime or a crime against humanity, as defined by an international instrument mentioned in regulation 2.03B; or
- (ii) the applicant committed a serious non-political crime before entering Australia; or
- (iii) the applicant has been guilty of acts contrary to the purposes and principles of the United Nations; and
- (c) it is not a permissible direction that the applicant satisfies a matter that relates to establishing whether there are reasonable grounds that:
 - (i) the applicant is a danger to Australia's security; or
 - (ii) the applicant, having been convicted by a final judgment of a particularly serious crime, including a crime that consists of the commission of a serious Australian offence or serious foreign offence, is a danger to the Australian community.

4.34 Statement about decision under review—number of copies

For the purposes of subsection 418(2) of the Act, the prescribed number of copies of a statement of the kind mentioned in that subsection is 1.

4.35 Prescribed periods—invitation to comment or give additional information

- (1) This regulation applies, for subsection 424B(2) of the Act, if a person is invited to give additional information, or to comment on information, other than at an interview.
- (2) If the invitation relates to an application for review of a decision that applies to a detainee, the prescribed period for giving the information or comments:
 - (a) commences when the detainee receives the invitation; and
 - (b) ends at the end of:

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- (i) 7 days after the day the detainee receives the invitation;
or
 - (ii) if the detainee agrees, in writing, to a shorter period of
not less than 1 working day—the shorter period.
- (3) If the invitation relates to any other application for review of a
decision, the prescribed period for giving the information,
comments or response:
 - (a) commences when the person receives the invitation; and
 - (b) ends at the end of:
 - (i) 14 days after the day the person receives the invitation;
or
 - (ii) if the person agrees, in writing, to a shorter period of not
less than 1 working day—the shorter period.
- (4) A response to the invitation is taken to be given to the Tribunal
when a registry of the Tribunal receives the response.

Note 1: If the Tribunal gives a person a document by a method specified in
section 441A of the Act, the person is taken to have received the
document at the time specified in section 441C of the Act in respect of
the method.

Note 2: A document given to a person in immigration detention is given in the
manner specified in regulation 5.02.

**4.35A Prescribed periods—invitation to comment or give additional
information (Act, s 424B(3))**

- (1) This regulation applies, for paragraph 424B(3)(b) of the Act, if a
person is invited to give additional information, or to comment on
information, at an interview.
- (2) If the invitation relates to an application for review of a decision
that applies to a detainee, the prescribed period for giving the
information or comments starts when the person receives the
invitation and ends at the end of 14 days after the day on which the
invitation is received.
- (3) If the invitation relates to an application for review of a decision
that does not apply to a detainee, the prescribed period for giving

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the information or comments starts when the person receives the invitation and ends at the end of 28 days after the day on which the invitation is received.

Note 1: If the Tribunal gives a person a document by a method specified in section 441A of the Act, the person is taken to have received the document at the time specified in section 441C of the Act in respect of the method.

Note 2: A document given to a person in immigration detention is given in the manner specified in regulation 5.02.

4.35B Prescribed periods—invitation to comment or give additional information (Act, s 424B(4))

- (1) This regulation applies, for subsection 424B(4) of the Act, if:
 - (a) a person is invited to give additional information, or to comment on information, within a period prescribed in regulation 4.35; and
 - (b) the invitation is to give the information or comments other than at an interview; and
 - (c) the prescribed period is to be extended by the Tribunal.
- (2) The period by which the Tribunal may extend the prescribed period:
 - (a) commences when the person receives notice of the extended period; and
 - (b) ends at the end of:
 - (i) 14 days after the day the person receives notice of the extended period; or
 - (ii) if the person agrees, in writing, to a shorter period of not less than 1 working day—the shorter period.
- (4) A response to the invitation is taken to be given to the Tribunal when a registry of the Tribunal receives the response.

Note 1: If the Tribunal gives a person a document by a method specified in section 441A of the Act, the person is taken to have received the document at the time specified in section 441C of the Act in respect of the method.

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Note 2: A document given to a person in immigration detention is given in the manner specified in regulation 5.02.

4.35C Prescribed periods—invitation to comment or give additional information (Act, s 424B(5))

- (1) This regulation applies, for paragraph 424B(5)(b) of the Act, if:
 - (a) a person is invited to give additional information, or to comment on information, within a period prescribed in regulation 4.35A; and
 - (b) the invitation is to give the information or comments at an interview; and
 - (c) the prescribed period is to be extended by the Tribunal.
- (2) The period by which the Tribunal may extend the prescribed period:
 - (a) commences when the person receives notice of the extended period; and
 - (b) ends at the end of 14 days after the day the person receives notice of the extended period.

Note 1: If the Tribunal gives a person a document by a method specified in section 441A of the Act, the person is taken to have received the document at the time specified in section 441C of the Act in respect of the method.

Note 2: A document given to a person in immigration detention is given in the manner specified in regulation 5.02.

4.35D Prescribed periods—notice to appear before Tribunal

- (1) For subsection 425A(3) of the Act, this regulation sets out the prescribed period of notice of the day on which, and the time and place at which, an applicant is scheduled to appear before the Tribunal in response to an invitation.
- (2) If the invitation relates to an application for review of a decision that applies to a detainee, the period of notice:
 - (a) commences when the detainee receives notice of the invitation to appear before the Tribunal; and

- (b) ends at the end of:
 - (i) 7 days after the day the detainee receives notice of the invitation to appear before the Tribunal; or
 - (ii) if the detainee agrees, in writing, to a shorter period of not less than 1 working day—the shorter period.
- (3) If the invitation relates to any other application for review of a decision, the period of notice:
 - (a) commences when the person receives notice of the invitation to appear before the Tribunal; and
 - (b) ends at the end of:
 - (i) 14 days after the day the person receives notice of the invitation to appear before the Tribunal; or
 - (ii) if the person agrees, in writing, to a shorter period of not less than 1 working day—the shorter period.

Note 1: If the Tribunal gives a person a document by a method specified in section 441A of the Act, the person is taken to have received the document at the time specified in section 441C of the Act in respect of the method.

Note 2: A document given to a person in immigration detention is given in the manner specified in regulation 5.02.

4.36 Duties, powers and functions of officers of Tribunal

Each officer of the Tribunal has the following duties, powers and functions:

- (a) the issuing of a summons by the Tribunal under paragraph 427(3)(a) or (b) of the Act;
- (b) the obtaining of documents in connection with the review of an RRT-reviewable decision;
- (c) the directing of attendance at a registry of the Tribunal in connection with the review of an RRT-reviewable decision.

4.37 Fees and allowances for persons giving evidence

- (1) For the purposes of subsection 436(1) of the Act, the fees and allowances for expenses to be paid to a person summoned to

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appear before the Tribunal in relation to a review by the Tribunal are the fees and allowances in accordance with the scale in Schedule 2 to the Administrative Appeals Tribunal Regulations as in force from time to time.

- (2) The principal member of the Tribunal is to determine the fees and allowances (if any) payable to a person under subregulation (1).

Division 4.3—Service of documents

4.38 Definition for Division 4.3

In this Division:

Tribunal means the Migration Review Tribunal or the Refugee Review Tribunal.

4.39 Address for service

(1) In this regulation:

lodge an address for service, in relation to an applicant for review, means give the Tribunal notice in writing of an address at which documents relating to a review may be sent to the applicant.

(2) An applicant for review may:

- (a) lodge an address for service in a review; and
- (b) at any time after lodging an address for service, lodge a new address for service in that review.

(3) If an applicant for review lodges with the Tribunal a new address for service under paragraph (2)(b):

- (a) that new address becomes the applicant for review's address for service in the review; and
- (b) he or she must, immediately after doing so, serve on the Minister a notice of that new address for service.

(4) An address for service may be, but need not be, the applicant's residential address.

4.40 Notice of decision of Tribunal

(1) A notice or statement to be given to an applicant in relation to a decision of the Migration Review Tribunal must be given by one of the methods specified in section 379A of the Act.

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Note 1: If the Migration Review Tribunal gives a person a document by a method specified in section 379A of the Act, the person is taken to have received the document at the time specified in section 379C of the Act in respect of the method.

Note 2: A document served on a person in immigration detention is served in the manner specified in regulation 5.02.

- (2) A notice or statement to be given to an applicant in relation to a decision of the Refugee Review Tribunal must be given by one of the methods specified in section 441A of the Act.

Note 1: If the Refugee Review Tribunal gives a person a document by a method specified in section 441A of the Act, the person is taken to have received the document at the time specified in section 441C of the Act in respect of the method.

Note 2: A document given to a person in immigration detention is given in the manner specified in regulation 5.02.

Part 5—Miscellaneous

Division 5.1—Service of documents

5.01 Definition for Division 5.1

In this Division:

document includes:

- (a) a letter; and
- (b) an invitation, notice, notification, statement or summons, if it is in writing.

5.02 Service of document on person in immigration detention

For the purposes of the Act and these Regulations, a document to be served on a person in immigration detention may be served by giving it to the person himself or herself, or to another person authorised by him or her to receive documents on his or her behalf.

Division 5.2—Procedure of commissioners and prescribed authorities

Note: If a person is proposed to be deported because he or she was convicted of certain serious offences (set out in section 203 of the Act), he or she may ask the Minister to appoint a Commissioner to inquire into whether the grounds for the deportation have been made out.

Section 253 of the Act provides that if a person arrested as a deportee asserts that he or she is not the person named in the deportation order, and makes a statutory declaration saying so, the person must be taken before a prescribed authority, who must inquire into whether there are reasonable grounds for supposing the person to be a deportee. The persons who may be prescribed authorities are set out in section 255 and include a judge or former judge, a legal practitioner of at least 5 years' standing, and a magistrate.

5.04 Power of Commissioner to send for witnesses and documents

A Commissioner appointed under subsection 203(4) of the Act (which deals with the appointment of commissioners) may, by writing signed by the Commissioner, summon any person:

- (a) to attend before the Commissioner at a time and place specified in the summons; and
- (b) to give evidence; and
- (c) to produce any books or documents in the person's custody or control which the person is required by the summons to produce.

5.05 Duty of witness to continue in attendance

- (1) A person who has been summoned to attend before a Commissioner as a witness must appear and report from day to day, unless excused by the Commissioner.

Penalty: 10 penalty units.

- (2) Strict liability applies to subregulation (1).

5.06 Arrest of witness failing to appear

- (1) If a person who has been summoned to attend before a Commissioner fails:
 - (a) to attend before the Commissioner as required by the summons; or
 - (b) to appear and report in accordance with regulation 5.05; the Commissioner may, on being satisfied that the summons has been duly served and that reasonable expenses have been paid or tendered to the person, issue a warrant for the person's arrest.
- (2) A warrant authorises:
 - (a) the arrest and bringing before the Commissioner of the person; and
 - (b) the detention of the person in custody for the purposes specified in the warrant until the person is released by order of the Commissioner.
- (3) A warrant may be executed by a member of the police force of the Commonwealth or of a State or Territory or by any person to whom it is addressed, and the person executing it has power to break and enter any place, building or vessel, using any force that is necessary and reasonable, for the purpose of executing the warrant.
- (4) The arrest of a person under this regulation does not relieve that person from any liability incurred by the person because of the failure of that person to attend before the Commissioner.

5.07 Witnesses' fees

- (1) A person who attends to give evidence before a Commissioner is, in respect of that attendance, to be paid such fees and travelling expenses as the Commissioner allows in accordance with the scale in Schedule 2 to the Public Works Committee Regulations as in force from time to time.
- (2) The fees and travelling expenses are payable:

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- (a) in the case of a witness summoned at the request of the person to whom the investigation relates—by that person; and
- (b) in any other case—by the Commonwealth.

5.08 Power to examine on oath or affirmation

- (1) A Commissioner may administer an oath to a person appearing as a witness before the Commissioner, whether the witness has been summoned or appears without being summoned, and may examine the witness on oath.
- (2) If a witness conscientiously objects to swear an oath, the witness may make an affirmation that the witness conscientiously objects to swear an oath and that the witness will state the truth, the whole truth, and nothing but the truth to all questions the witness is asked.
- (3) An affirmation so made is of the same force and effect, and entails the same liabilities, as an oath.

5.09 Offences by witnesses

- (1) A person summoned to attend before a Commissioner as a witness must not:
 - (a) fail to attend, after payment or tender to the person of a reasonable sum for expenses of attendance; or
 - (b) refuse to be sworn or to make an affirmation as a witness; or
 - (c) refuse to answer any question when required to do so by the Commissioner; or
 - (d) refuse or fail to produce a book or document which the person was required by the summons to produce.

Penalty: 10 penalty units.

- (2) Paragraphs (1)(a) and (d) do not apply if the person has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter in subregulation (2) (see subsection 13.3(3) of the *Criminal Code*).

- (3) Strict liability applies to paragraph (1)(a).

5.10 Statements of person not admissible in evidence against the person

A statement or disclosure made by a person in answer to a question put to the person during an investigation by a Commissioner is not admissible in evidence against the person in any civil or criminal proceedings other than:

- (a) proceedings in respect of a false answer; or
- (b) proceedings relating to the deportation of the person.

5.11 Representation by counsel etc

- (1) In an investigation before a Commissioner, the person summoned to appear and the Minister are each entitled to be represented by a barrister or solicitor or by an agent approved by the Commissioner.
- (2) A barrister, solicitor or agent appearing before a Commissioner may examine or cross-examine witnesses and address the Commissioner.

5.12 Offences in relation to Commissioners

A person must not:

- (a) intentionally insult or disturb a Commissioner when exercising powers and functions under the Act; or
- (b) interrupt the proceedings of a Commissioner; or
- (c) use insulting language towards a Commissioner; or
- (d) by writing or speech use words calculated to influence dishonestly a Commissioner or a witness before a Commissioner.

Penalty: 10 penalty units.

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5.13 Protection of Commissioners, barristers and witnesses

- (1) A Commissioner has, in the performance of the duties of a Commissioner, the same protection and immunity as a Justice of the High Court.
- (2) A barrister, solicitor or approved agent appearing before a Commissioner has the same protection and immunity as a barrister has in appearing for a party in proceedings in the High Court.
- (3) A witness summoned to attend, or appearing, before a Commissioner has the same protection as a witness in proceedings in the High Court.

5.14 Procedure of prescribed authorities

This Part applies to:

- (a) prescribed authorities referred to in section 255 of the Act;
and
- (b) proceedings before those prescribed authorities under section 253 of the Act;

in the same manner as it applies to Commissioners and proceedings before Commissioners and as if references in those provisions to a Commissioner were references to a prescribed authority.

Division 5.3—General

5.15 Behaviour concern non-citizen

For the purposes of paragraph (e) of the definition of ***behaviour concern non-citizen*** in subsection 5(1) of the Act, each of the following circumstances is prescribed in relation to the exclusion of a person from a country other than Australia:

- (a) that the person refused or failed to present a passport on request by the competent authorities in that country in circumstances in which it would be unreasonable to refuse or fail to do so;
- (b) that the person presented to those authorities a passport that was a bogus document;
- (c) that the person was reasonably refused entry to that country on the ground that the person was not a genuine visitor;
- (d) that the authorities of that country considered the person to be a threat to the national security of the country.

5.15A Certain New Zealand citizens

For the purposes of paragraph 32(2)(c) of the Act, it is declared that the class of persons each of whom:

- (a) is a New Zealand citizen who holds, and has presented to an officer, a New Zealand passport that is in force; and
- (b) is not a health concern non-citizen; and
- (c) is a behaviour concern non-citizen only because of having been excluded from a country other than Australia in circumstances that, in the opinion of the Minister, do not warrant the exclusion of the person from Australia;

is a class of persons for whom a visa of a class other than Special Category (Temporary) (Class TY) would be inappropriate.

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5.15C Excised offshore places

- (1) For paragraph (d) of the definition of *excised offshore place* in subsection 5(1) of the Act, the Coral Sea Islands Territory is prescribed.
- (2) For paragraph (e) of the definition of *excised offshore place* in subsection 5(1) of the Act, the following islands are prescribed:
 - (a) all islands that:
 - (i) form part of Queensland; and
 - (ii) are north of latitude 21° south;
 - (b) all islands that:
 - (i) form part of Western Australia; and
 - (ii) are north of latitude 23° south;
 - (c) all islands that:
 - (i) form part of the Northern Territory; and
 - (ii) are north of latitude 16° south.

5.16 Prescribed diseases—health concern non-citizen (Act, s 5(1))

For the purposes of the definition of *health concern non-citizen* in subsection 5(1) of the Act, tuberculosis (being tuberculosis that is not being controlled with medication, and in respect of which the person suffering from it refuses to sign an undertaking to visit a Commonwealth Medical Officer within 7 days of entering Australia) is a prescribed disease.

5.17 Prescribed evidence of English language proficiency (Act, s 5(2)(b))

For the purposes of paragraph 5(2)(b) of the Act (dealing with whether a person has functional English), the evidence referred to in each of the following paragraphs is prescribed evidence of the English language proficiency of a person:

- (a) evidence specified by the Minister in an instrument in writing for this paragraph;
- (c) evidence that:

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- (i) the person holds an award (being a degree, a higher degree, a diploma or a trade certificate) that required at least 2 years of full-time study or training; and
 - (ii) all instruction (including instruction received in other courses for which the person was allowed credit) for that award was conducted in English;
- (e) evidence that the person has attained the functional level of the ACCESS test, being evidence in the form of a copy of results of a test:
 - (i) completed not more than 12 months before the person applies for the grant of a visa in relation to which those results are relevant; or
 - (ii) completed after the application is made;and certified by the body that conducted the test as the results of the test of the person;
- (f) evidence that the person has been assessed as having functional English by the provider of a course that is an approved English course for the purposes of section 4 of the *Immigration (Education) Act 1971*;
- (h) in the case of a person who is an applicant for a Business Skills—Established Business (Residence) (Class BH) visa—evidence that the person has a score of at least 20 points under Part 3 of Schedule 7, being a score awarded on the basis of an interview of the person for the purpose of ascertaining that score;
- (j) if:
 - (i) the person is an applicant for a visa of a class that is not mentioned in paragraph (h); and
 - (ii) evidence referred to in paragraph (a) cannot be provided by the person; and
 - (iii) it is not reasonably practicable for the person to attend at a place where, or time when, he or she could be subjected to a test mentioned in paragraph (e) or (f);evidence that the person has been determined by the Minister, on the basis of an interview with the person, to have functional English.

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5.18 Prescribed laws relating to control of fishing

For the purposes of paragraph 262(1)(b) of the Act (specifying laws that, if broken by a non-citizen in certain circumstances, will render the non-citizen liable to repay costs to the Commonwealth), the following laws are prescribed:

- (a) the following laws of the Commonwealth:
 - (i) the *Continental Shelf (Living Natural Resources) Act 1968*;
 - (ii) the *Fisheries Act 1952*;
 - (iii) the *Fisheries Management Act 1991*;
 - (iv) the *Torres Strait Fisheries Act 1984*;
- (b) the following laws of Queensland:
 - (i) the *Fisheries Act 1976*;
 - (ii) the *Fishing Industry Organisation and Marketing Act 1982*;
- (c) the *Fisheries Act 1905* of Western Australia.

5.19 Approval of nominated positions (employer nomination)

- (1) A person (a ***nominator***) (including a partnership or unincorporated association) may apply to the Minister for approval of the nomination of a position in Australia.
- (2) The application must:
 - (a) be made in accordance with approved form 1395 (Internet); and
 - (b) be accompanied by the fee mentioned in regulation 5.37.

Temporary Residence Transition nomination

- (3) The Minister must, in writing, approve a nomination if:
 - (a) the application for approval:
 - (i) is made in accordance with subregulation (2); and
 - (ii) identifies a person who holds a Subclass 457 (Temporary Work (Skilled)) visa granted on the basis

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- that the person satisfied the criterion in subclause 457.223(4) of Schedule 2; and
- (iii) identifies an occupation, in relation to the position, that:
- (A) is listed in ANZSCO; and
 - (B) has the same 4-digit occupation unit group code as the occupation carried out by the holder of the Subclass 457 (Temporary Work (Skilled)) visa; and
- (b) the nominator:
- (i) is, or was, the standard business sponsor who last identified the holder of the Subclass 457 (Temporary Work (Skilled)) visa in a nomination made under section 140GB of the Act or under regulation 1.20G or 1.20GA as in force immediately before 14 September 2009; and
 - (ii) is actively and lawfully operating a business in Australia; and
 - (iii) did not, as that standard business sponsor, meet regulation 1.20DA, or paragraph 2.59(h) or 2.68(i), in the most recent approval as a standard business sponsor; and
- (c) either:
- (i) both of the following apply:
 - (A) in the period of 3 years immediately before the nominator made the application, the holder of the Subclass 457 (Temporary Work (Skilled)) visa identified in subparagraph (a)(ii) has:
 - (I) held one or more Subclass 457 visas for a total period of at least 2 years; and
 - (II) been employed in the position in respect of which the person holds the Subclass 457 (Temporary Work (Skilled)) visa for a total period of at least 2 years (not including any period of unpaid leave);

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- (B) the employment in the position has been full-time, and undertaken in Australia; or
- (ii) all of the following apply:
 - (A) the person holds the Subclass 457 (Temporary Work (Skilled)) visa on the basis that the person was identified in a nomination of an occupation mentioned in sub-subparagraph 2.72(10)(d)(iii)(B) or sub-subparagraph 2.72(10)(e)(iii)(B);
 - (B) the nominator nominated the occupation;
 - (C) the person has been employed, in the occupation in respect of which the person holds the Subclass 457 (Temporary Work (Skilled)) visa, for a total period of at least 2 years in the period of 3 years immediately before the nominator made the application; and
- (d) for a person to whom subparagraph (c)(i) applies:
 - (i) the person will be employed on a full-time basis in the position for at least 2 years; and
 - (ii) the terms and conditions of the person's employment will not include an express exclusion of the possibility of extending the period of employment; and
- (e) the terms and conditions of employment applicable to the position will be no less favourable than the terms and conditions that:
 - (i) are provided; or
 - (ii) would be provided;to an Australian citizen or an Australian permanent resident for performing equivalent work in the same workplace at the same location; and
- (f) either:
 - (i) the nominator:
 - (A) fulfilled any commitments the nominator made relating to meeting the nominator's training requirements during the period of the

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nominator's most recent approval as a standard business sponsor; and

- (B) complied with the applicable obligations under Division 2.19 relating to the nominator's training requirements during the period of the nominator's most recent approval as a standard business sponsor; or

- (ii) it is reasonable to disregard subparagraph (i); and

Note: Different training requirements apply depending on whether the application for approval as a standard business sponsor was made before 14 September 2009 or on or after that day.

- (g) either:

- (i) there is no adverse information known to Immigration about the nominator or a person associated with the nominator; or

- (ii) it is reasonable to disregard any adverse information known to Immigration about the nominator or a person associated with the nominator; and

- (h) the nominator has a satisfactory record of compliance with the laws of the Commonwealth, and of each State or Territory in which the applicant operates a business and employs employees in the business, relating to workplace relations.

Direct Entry nomination

- (4) The Minister must, in writing, approve a nomination if:

- (a) the application for approval:

- (i) is made in accordance with subregulation (2); and
(ii) identifies a need for the nominator to employ a paid employee to work in the position under the nominator's direct control; and

- (b) the nominator:

- (i) is actively and lawfully operating a business in Australia; and
(ii) directly operates the business; and

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- (c) for a nominator whose business activities include activities relating to the hiring of labour to other unrelated businesses—the position is within the business activities of the nominator and not for hire to other unrelated businesses; and
- (d) both of the following apply:
 - (i) the employee will be employed on a full-time basis in the position for at least 2 years;
 - (ii) the terms and conditions of the employee's employment will not include an express exclusion of the possibility of extending the period of employment; and
- (e) the terms and conditions of employment applicable to the position will be no less favourable than the terms and conditions that:
 - (i) are provided; or
 - (ii) would be provided;to an Australian citizen or an Australian permanent resident for performing equivalent work in the same workplace at the same location; and
- (f) either:
 - (i) there is no adverse information known to Immigration about the nominator or a person associated with the nominator; or
 - (ii) it is reasonable to disregard any adverse information known to Immigration about the nominator or a person associated with the nominator; and
- (g) the nominator has a satisfactory record of compliance with the laws of the Commonwealth, and of each State or Territory in which the applicant operates a business and employs employees in the business, relating to workplace relations; and
- (h) either:
 - (i) both of the following apply:
 - (A) the tasks to be performed in the position will be performed in Australia and correspond to the tasks of an occupation specified by the Minister

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in an instrument in writing for this
sub-subparagraph;

- (B) either:
- (I) the nominator's business has operated for at least 12 months, and the nominator meets the requirements for the training of Australian citizens and Australian permanent residents that are specified by the Minister in an instrument in writing for this sub-sub-subparagraph; or
 - (II) the nominator's business has operated for less than 12 months, and the nominator has an auditable plan for meeting the requirements specified in the instrument mentioned in sub-sub-subparagraph (I); or
- (ii) all of the following apply:
- (A) the position is located in regional Australia;
 - (B) there is a genuine need for the nominator to employ a paid employee to work in the position under the nominator's direct control;
 - (C) the position cannot be filled by an Australian citizen or an Australian permanent resident who is living in the same local area as that place;
 - (D) the tasks to be performed in the position correspond to the tasks of an occupation at a skill level of ANZSCO skill level 1, 2 or 3;
 - (E) the business operated by the nominator is located at that place;
 - (F) a body that is:
 - (I) specified by the Minister in an instrument in writing for this sub-subparagraph; and
 - (II) located in the same State or Territory as the location of the position;

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has advised the Minister about the matters mentioned in paragraph (e) and sub-subparagraphs (B) and (C).

- (5) The Minister must refuse a nomination if neither of subregulations (3) and (4) applies.
- (6) As soon as practicable after deciding a nomination, the Minister must give the nominator:
 - (a) a copy of the written approval or refusal; and
 - (b) if the Minister refuses the nomination:
 - (i) a written statement of the reasons why the nomination was refused; and
 - (ii) a written statement that the decision is an MRT-reviewable decision.

Note: Division 4.1 deals with review of decisions. Paragraph 4.02(4)(e) provides that a decision under regulation 5.19 to refuse an application is an **MRT-reviewable decision**. **MRT-reviewable decision** is defined in Division 2 of Part 5 of the Act.

- (7) In this regulation:

adverse information has the meaning given by subregulation 2.57(3).

associated with has the meaning given by subregulation 2.57(2).

regional Australia means a part of Australia specified by the Minister in an instrument in writing for this definition.

5.19A Designated investment

- (1) Subject to subregulation (2), the Minister may, by legislative instrument, specify a security issued by an Australian State or Territory government authority as a security in which an investment is a designated investment for the purposes of a Part of Schedule 2.
- (2) The Minister may so specify a security if and only if:

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- (a) an investment in the security matures in not less than 4 years from its date of issue; and
- (b) repayment of principal is guaranteed by the issuing authority; and
- (c) an investment in the security cannot be transferred or redeemed before maturity except by operation of law or under other conditions acceptable to the Minister; and
- (d) investment in the security is open to the general public at commercially competitive rates of return; and
- (e) the Minister is satisfied that the Commonwealth will not be exposed to any liability as a result of an investment in the security by a person.

5.19B Complying investment

- (1) An investment by a person (the *investor*) is a **complying investment** if all of the requirements in this regulation are met.

Description

- (2) The investment must consist of one or more of the following:
- (a) an investment in a government bond (however described) of the Commonwealth, a State or Territory; or
 - (b) a direct investment in an Australian proprietary company that meets the following requirements:
 - (i) the company is not listed on an Australian stock exchange;
 - (ii) the company has not been established wholly or substantially for the purpose of creating compliance with this paragraph;
 - (iii) the investment is an ownership interest in the company;
 - (c) an investment in a managed fund (directly or through an investor directed portfolio service) for a purpose specified by the Minister in an instrument, in writing, for this paragraph.
- (3) The funds used to make the investment are:
- (a) unencumbered; and

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- (b) lawfully acquired.

Investor

- (4) The investor must be an individual.
- (5) The investor must make the investment:
 - (a) personally; or
 - (b) with the investor's spouse or de facto partner; or
 - (c) by means of a company that has issued shares and in which:
 - (i) the investor holds all of the issued shares; or
 - (ii) the investor and the investor's spouse or de facto partner hold all of the issued shares; or
 - (d) by means of a trust:
 - (i) that is lawfully established; and
 - (ii) of which:
 - (A) the investor is the sole trustee; or
 - (B) the investor and the investor's spouse or de facto partner are the sole trustees; and
 - (iii) of which:
 - (A) the investor is the sole beneficiary; or
 - (B) the investor and the investor's spouse or de facto partner are the sole beneficiaries.
- (6) If:
 - (a) an investor withdraws money from a complying investment, or cancels the investment; and
 - (b) the investor makes an investment of at least the value of the withdrawn money or cancelled investment in one or more other investments mentioned in subregulation (2); and
 - (c) no more than 30 days passes between the events mentioned in paragraphs (a) and (b);the investment is taken not to have ceased to be a complying investment during the period between the events mentioned in paragraphs (a) and (b).

Note: Regulations 5.19C to 5.19F are reserved for future use.

Division 5.3A—Offences and civil penalties in relation to work by non-citizens

5.19G Allowing an unlawful non-citizen to work

- (1) For paragraph 245AB(2)(a) of the Act, the computer system operated by the Department, and known as “Visa Entitlement Verification Online”, or “VEVO”, is prescribed.
- (2) For paragraph 245AB(2)(b) of the Act, each of the following is a prescribed thing:
 - (a) the entry into a contract under which a party to the contract performs either or both of the following functions:
 - (i) verifying that a person has the required permission to work in Australia (however that is described in the contract);
 - (ii) supplying persons who have the required permission to work in Australia (however that is described in the contract);
 - (b) the inspection of:
 - (i) a document that appears to be the worker’s Australian passport; or
 - (ii) a document that appears to be the worker’s New Zealand passport; or
 - (iii) a document that appears to be the worker’s Australian certificate of citizenship, accompanied by a form of identification featuring a photograph of the worker; or
 - (iv) a document that appears to be a certificate of evidence of the worker’s Australian citizenship, accompanied by a form of identification featuring a photograph of the worker; or
 - (v) a document that appears to be the worker’s Australian birth certificate, accompanied by a form of identification featuring a photograph of the worker; or

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- (vi) a document that appears to be a Certificate of Evidence of Resident Status for the worker, accompanied by a form of identification featuring a photograph of the worker; or
- (vii) a document that appears to be a Certificate of Status for New Zealand Citizens in Australia for the worker, accompanied by a form of identification featuring a photograph of the worker.

Example: An example of a form of identification is a driver's licence.

Note: Subsection 245AB(1) of the Act does not apply if reasonable steps are taken at reasonable times to verify that a worker is not an unlawful non-citizen, including (but not limited to) either of the following steps:

- (a) using a computer system prescribed by the regulations to verify that matter;
- (b) doing any one or more things prescribed by the regulations.

5.19H Allowing a lawful non-citizen to work in breach of a work-related condition

- (1) For paragraph 245AC(2)(a) of the Act, the computer system operated by the Department, and known as "Visa Entitlement Verification Online", or "VEVO", is prescribed.
- (2) For paragraph 245AC(2)(b) of the Act, each of the following is a prescribed thing:
 - (a) the entry into a contract under which a party to the contract performs either or both of the following functions:
 - (i) verifying that a person has the required permission to work in Australia (however that is described in the contract);
 - (ii) supplying persons who have the required permission to work in Australia (however that is described in the contract);
 - (b) the inspection of:
 - (i) a document that appears to be the worker's Australian passport; or

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- (ii) a document that appears to be the worker's New Zealand passport; or
- (iii) a document that appears to be the worker's Australian certificate of citizenship, accompanied by a form of identification featuring a photograph of the worker; or
- (iv) a document that appears to be a certificate of evidence of the worker's Australian citizenship, accompanied by a form of identification featuring a photograph of the worker; or
- (v) a document that appears to be the worker's Australian birth certificate, accompanied by a form of identification featuring a photograph of the worker; or
- (vi) a document that appears to be a Certificate of Evidence of Resident Status for the worker, accompanied by a form of identification featuring a photograph of the worker; or
- (vii) a document that appears to be a Certificate of Status for New Zealand Citizens in Australia for the worker, accompanied by a form of identification featuring a photograph of the worker.

Example: An example of a form of identification is a driver's licence.

Note: Subsection 245AC(1) of the Act does not apply if reasonable steps are taken at reasonable times to verify that a worker is not in breach of a work-related condition solely because of doing the work referred to in that subsection, including (but not limited to) either of the following steps:

- (a) using a computer system prescribed by the regulations to verify that matter;
- (b) doing any one or more things prescribed by the regulations.

5.19J Referring an unlawful non-citizen for work

- (1) For paragraph 245AE(2)(a) of the Act, the computer system operated by the Department, and known as "Visa Entitlement Verification Online", or "VEVO", is prescribed.
- (2) For paragraph 245AE(2)(b) of the Act, each of the following is a prescribed thing:

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- (a) the entry into a contract under which a party to the contract performs the function of verifying that a person has, or will have, the required permission to work in Australia (however that is described in the contract);
- (b) the inspection of:
 - (i) a document that appears to be the prospective worker's Australian passport; or
 - (ii) a document that appears to be the prospective worker's New Zealand passport; or
 - (iii) a document that appears to be the prospective worker's Australian certificate of citizenship, accompanied by a form of identification featuring a photograph of the prospective worker; or
 - (iv) a document that appears to be a certificate of evidence of the prospective worker's Australian citizenship, accompanied by a form of identification featuring a photograph of the prospective worker; or
 - (v) a document that appears to be the prospective worker's Australian birth certificate, accompanied by a form of identification featuring a photograph of the prospective worker; or
 - (vi) a document that appears to be a Certificate of Evidence of Resident Status for the prospective worker, accompanied by a form of identification featuring a photograph of the prospective worker; or
 - (vii) a document that appears to be a Certificate of Status for New Zealand Citizens in Australia for the prospective worker, accompanied by a form of identification featuring a photograph of the prospective worker.

Example: An example of a form of identification is a driver's licence.

Note: Subsection 245AE(1) of the Act does not apply if reasonable steps are taken at reasonable times before the referral to verify that a prospective worker is not an unlawful non-citizen, including (but not limited to) either of the following steps:

- (a) using a computer system prescribed by the regulations to verify that matter;
- (b) doing any one or more things prescribed by the regulations.

5.19K Referring a lawful non-citizen for work in breach of a work-related condition

- (1) For paragraph 245AEA(2)(a) of the Act, the computer system operated by the Department, and known as “Visa Entitlement Verification Online”, or “VEVO”, is prescribed.
- (2) For paragraph 245AEA(2)(b) of the Act, each of the following is a prescribed thing:
 - (a) the entry into a contract under which a party to the contract performs the function of verifying that a person has, or will have, the required permission to work in Australia (however that is described in the contract);
 - (b) the inspection of:
 - (i) a document that appears to be the prospective worker’s Australian passport; or
 - (ii) a document that appears to be the prospective worker’s New Zealand passport; or
 - (iii) a document that appears to be the prospective worker’s Australian certificate of citizenship, accompanied by a form of identification featuring a photograph of the prospective worker; or
 - (iv) a document that appears to be a certificate of evidence of the prospective worker’s Australian citizenship, accompanied by a form of identification featuring a photograph of the prospective worker; or
 - (v) a document that appears to be the prospective worker’s Australian birth certificate, accompanied by a form of identification featuring a photograph of the prospective worker; or
 - (vi) a document that appears to be a Certificate of Evidence of Resident Status for the prospective worker, accompanied by a form of identification featuring a photograph of the prospective worker; or
 - (vii) a document that appears to be a Certificate of Status for New Zealand Citizens in Australia for the prospective

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Division 5.3A Offences and civil penalties in relation to work by non-citizens

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worker, accompanied by a form of identification
featuring a photograph of the prospective worker.

Example: An example of a form of identification is a driver's licence.

Note: Subsection 245AEA(1) of the Act does not apply if reasonable steps are taken at reasonable times before the referral to verify that a prospective worker will not be in breach of a work-related condition solely because of doing the work in relation to which he or she is referred, including (but not limited to) either of the following steps:

- (a) using a computer system prescribed by the regulations to verify that matter;
- (b) doing any one or more things prescribed by the regulations.

Division 5.4—Infringement notice penalties

5.20 Offences

- (1) For paragraph 504(1)(i) of the Act (which authorises the Regulations to set penalties as an alternative to prosecution), the prescribed penalty for an offence against section 137 of the Act is:
 - (a) in the case of a failure by a person to supply the person's address—\$250; or
 - (b) in any other case—\$1 000.
- (2) For paragraph 504(1)(j) of the Act, the prescribed penalty to be paid as an alternative to prosecution for a contravention of section 229 or 230 of the Act is:
 - (a) in the case of a natural person—\$3 000; or
 - (b) in the case of a body corporate—\$5 000.
- (3) For paragraph 504(1)(jaa) of the Act, the prescribed penalty to be paid as an alternative to prosecution for a contravention of subsection 245N(2) of the Act is 10 penalty units.

Note: Section 137 permits the Secretary to require information from the holder of a business visa.
 Section 229 prohibits the carrying of persons to Australia without visas.
 Section 230 makes it an offence to have an unlawful non-citizen concealed on a vessel entering Australia.
 Subsection 245L(2) establishes an obligation on an operator of an aircraft or ship to report to the Department about passengers and crew prior to their arrival in Australia.
 Subsection 245N(2) makes it an offence for an operator of an aircraft or ship to contravene subsection 245L(2).

5.20A Civil penalty provisions

Sponsorship-related civil penalty provisions

- (1) For subsection 506A(1) of the Act, a person who is alleged to have contravened subsection 140Q(1), 140Q(2), 140XE(3) or 140XF(3)

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of the Act may pay a penalty to the Commonwealth as an alternative to proceedings for a civil penalty order against the person.

- (2) If the person has previously been issued an infringement notice for an alleged contravention of any of those subsections, or has been ordered by a Court to pay a pecuniary penalty for a contravention of any of those subsections, the penalty is:
 - (a) in the case of a natural person—12 penalty units; or
 - (b) in the case of a body corporate—60 penalty units.
- (3) If subregulation (2) does not apply, the penalty is:
 - (a) in the case of a natural person—6 penalty units; or
 - (b) in the case of a body corporate—30 penalty units.

Work-related civil penalty provisions

- (4) For subsection 506A(1) of the Act, a person who is alleged to have contravened subsection 245AB(5), 245AC(5), 245AE(5) or 245AEA(5) of the Act may pay a penalty to the Commonwealth as an alternative to proceedings for a civil penalty order against the person.
- (5) If the person has previously been issued an infringement notice for an alleged contravention of any of those subsections, or has been ordered by a Court to pay a pecuniary penalty for a contravention of any of those subsections, the penalty is:
 - (a) in the case of a natural person—18 penalty units; or
 - (b) in the case of a body corporate—90 penalty units.
- (6) If subregulation (5) does not apply, the penalty is:
 - (a) in the case of a natural person—9 penalty units; or
 - (b) in the case of a body corporate—45 penalty units.

Division 5.5—Infringement notices

5.21 Interpretation

In this Division:

authorised officer includes the Secretary.

business visa has the same meaning as in section 137 of the Act.

civil penalty provision means any of the following provisions of the Act:

- (a) subsection 140Q(1);
- (b) subsection 140Q(2);
- (c) subsection 140XE(3);
- (d) subsection 140XF(3);
- (e) subsection 245AB(5);
- (f) subsection 245AC(5);
- (g) subsection 245AE(5);
- (h) subsection 245AEA(5).

infringement notice means a notice under regulation 5.22.

infringement notice penalty:

- (a) for an offence—means the penalty prescribed by regulation 5.20 for the offence; and
- (b) for a civil penalty provision—means the penalty prescribed by regulation 5.20A for the civil penalty provision.

offence means a contravention of:

- (a) section 137, 229 or 230 of the Act; or
- (b) subsection 245N(2) of the Act.

sponsorship-related civil penalty provision means any of the following provisions of the Act:

- (a) subsection 140Q(1);
- (b) subsection 140Q(2);

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- (c) subsection 140XE(3);
- (d) subsection 140XF(3).

work-related civil penalty provision means any of the following provisions of the Act:

- (a) subsection 245AB(5);
- (b) subsection 245AC(5);
- (c) subsection 245AE(5);
- (d) subsection 245AEA(5).

Note: Section 137 of the Act permits the Secretary to require information from the holder of a business visa.
Section 229 of the Act prohibits the carrying of persons to Australia without visas.
Section 230 of the Act makes it an offence to have an unlawful non-citizen concealed on a vessel entering Australia.
Subsection 245L(2) of the Act establishes an obligation on an operator of an aircraft or ship to report to the Department about passengers and crew prior to their arrival in Australia.
Subsection 245N(2) of the Act makes it an offence for an operator of an aircraft or ship to contravene subsection 245L(2).

5.22 When can an infringement notice be served?

- (1) If an authorised officer has reason to believe that a person has committed an offence or has contravened a civil penalty provision, the officer may cause an infringement notice to be served on the person in accordance with this Division.
- (2) An infringement notice must be served within 12 months of the date on which, or the last day of the period over which, an offence is alleged to have been committed or a civil penalty provision is alleged to have been contravened.
- (3) An infringement notice must not be served on a person in relation to:
 - (a) a failure to satisfy a sponsorship obligation prescribed in regulation 2.78; or

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- (b) a failure to satisfy a sponsorship obligation prescribed in regulation 2.85.

Note: Regulation 2.78 prescribes an obligation to cooperate with inspectors. Regulation 2.85 prescribes an obligation to secure an offer of a reasonable standard of accommodation for a primary sponsored person or secondary sponsored person.

5.23 What must an infringement notice contain?

- (1) An infringement notice must:
 - (a) state the name of the authorised officer who caused the notice to be served; and
 - (b) if the notice is for the alleged commission of an offence—set out:
 - (i) the day on which the offence is alleged to have been committed; and
 - (ii) if the offence is against section 229 or 230 of the Act, the place at which the offence is alleged to have been committed; or
 - (ba) if the notice is for an alleged contravention of a civil penalty provision—set out the day on which, or the period over which, the civil penalty provision is alleged to have been contravened; and
 - (c) give brief particulars of the alleged offence or the alleged contravention of a civil penalty provision; and
 - (d) set out the infringement notice penalty; and
 - (e) state that, if the person on whom it is served does not wish the matter to be dealt with by a court, he or she may pay that penalty within 28 days after the date of service of the notice unless the notice is withdrawn before the end of that period; and
 - (f) specify where and how that penalty may be paid; and
 - (g) set out the procedures relating to the withdrawal of notices and the consequences of the withdrawal of a notice.
- (2) An infringement notice for a contravention of a sponsorship-related civil penalty provision must also state that if the provision is

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contravened after the day on which, or the period over which, the contravention specified in the notice occurred:

- (a) the person will have contravened the provision again; and
 - (b) further action may be taken as mentioned in section 140K of the Act.
- (3) An infringement notice for a contravention of a work-related civil penalty provision must also state the grounds on which the infringement notice may be withdrawn.
- (4) An infringement notice for a contravention of a work-related civil penalty provision must also state that the grounds on which the infringement notice may be withdrawn are not exhaustive.
- (5) An infringement notice may contain any other particulars that the authorised officer considers necessary.

5.24 Can the time for payment be extended?

If an infringement notice has been served on a person, an authorised officer may, if he or she is satisfied that in all the circumstances it is proper to do so, allow a further period for payment of the infringement notice penalty, whether or not the period of 28 days after the date of service of the notice has expired.

5.25 What happens if the infringement notice penalty is paid?

If the person on whom an infringement notice is served pays the infringement notice penalty in relation to the alleged offence or the alleged contravention of a civil penalty provision before:

- (a) the end of:
 - (i) the period of 28 days after the date of service of the notice; or
 - (ii) if a further period has been allowed under regulation 5.24—that further period; or
 - (b) the notice is withdrawn;
- whichever happens first, then:

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- (c) any liability of the person in respect of the alleged offence or the alleged contravention of the civil penalty provision is discharged; and
- (d) no further proceedings may be taken in respect of the alleged offence or the alleged contravention of the civil penalty provision; and
- (e) the person is not to be taken to have been convicted of the alleged offence.

5.26 Can an infringement notice be withdrawn?

- (1) If an infringement notice has been served on a person, an authorised officer may withdraw it by notice in writing served on the person in accordance with these Regulations, at any time before:
 - (a) the end of 28 days after the date of service of the notice; or
 - (b) if a further period has been allowed under regulation 5.24—the end of that further period.
- (2) An infringement notice for:
 - (a) an alleged offence against section 229 or 230 of the Act; or
 - (b) an alleged contravention of a civil penalty provision;must not be withdrawn under subregulation (1) after the expiry of 3 months commencing on the day on which the notice was served.

5.27 Refund of infringement notice penalty if notice withdrawn

If:

- (a) an infringement notice has been served on a person; and
 - (b) the person has paid the infringement notice penalty in accordance with the notice; and
 - (c) the notice is subsequently withdrawn;
- an authorised officer must arrange for the refund to the person of an amount equal to the amount so paid.

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5.28 Evidence

- (1) In the hearing of proceedings for:
 - (a) a prosecution for an offence specified in an infringement notice; or
 - (b) an application for a pecuniary penalty order in relation to a contravention of a civil penalty provision specified in an infringement notice;a certificate signed by an authorised officer and stating a matter mentioned in subregulation (2) is evidence of the matter.
- (2) The matter is that:
 - (a) the authorised officer did not allow further time for payment of the infringement notice penalty and the penalty was not paid within 28 days after the date of service of the infringement notice; or
 - (b) the authorised officer allowed a further period (as specified in the certificate) for payment of the infringement notice penalty and the penalty was not paid within the further period; or
 - (c) the authorised officer withdrew the infringement notice on a day specified in the certificate.
- (3) A certificate that purports to have been signed by an authorised officer is taken to have been signed by that person unless the contrary is proved.

5.29 Can there be more than one infringement notice for the same offence or contravention of a civil penalty provision?

This Division does not prevent more than one infringement notice being served on a person for the same offence or the same contravention of a civil penalty provision, but regulation 5.25 applies to the person if the person pays the infringement notice penalty in accordance with one of the infringement notices.

5.30 What if payment is made by cheque?

If a cheque is offered to Immigration as payment of all or part of the amount of a penalty specified in an infringement notice, payment is taken not to have been made unless the cheque is honoured upon presentation.

5.31 Infringement notice not compulsory

Nothing in this Division:

- (a) requires an infringement notice to be served on a person in relation to an offence or a contravention of a civil penalty provision; or
- (b) affects the liability of a person to be prosecuted for an offence or to be subject to proceedings in relation to a contravention of a civil penalty provision if the person does not comply with an infringement notice; or
- (c) affects the liability of a person to be prosecuted for an offence or to be subject to proceedings in relation to a contravention of a civil penalty provision if an infringement notice is not served on the person in relation to the offence or in relation to a contravention of a civil penalty provision; or
- (d) affects the liability of a person to be prosecuted for an offence or to be subject to proceedings in relation to a contravention of a civil penalty provision if an infringement notice is served and withdrawn; or
- (e) limits the amount of:
 - (i) the fine that may be imposed by a court on a person convicted of an offence; or
 - (ii) the pecuniary penalty that may be imposed by a court on a person for a contravention of a civil penalty provision.

Division 5.6—Miscellaneous

5.32 Search warrants (Act, ss 223(14) and 251(4))

- (1) A search warrant for the purposes of subsection 223(14) of the Act (dealing with directions about, and seizure of, the valuables of non-citizens in detention) is to be in accordance with prescribed form 1.
- (2) A search warrant for the purposes of subsection 251(4) of the Act (dealing with entry and search for unlawful non-citizens) is to be in accordance with prescribed form 2.

5.32A Work performed by unlawful non-citizen in detention centre

For subsection 235(6) of the Act, the circumstance is that the work:

- (a) is performed by an unlawful non-citizen who is detained in a detention centre established under the Act; and
- (b) is allocated to the unlawful non-citizen, at the non-citizen's request, by an officer at the detention centre.

5.33 Document for purposes of s 274(3)(a) of Act

A document for the purposes of paragraph 274(3)(a) of the Act (dealing with documents relating to persons to be removed or deported from Australia) is to be in accordance with prescribed form 3.

5.34 Application of Chapter 2 of the *Criminal Code*

Chapter 2 of the *Criminal Code* applies, on and after 1 November 2001, to offences against these Regulations.

5.34D Disclosure of information to prescribed bodies

For paragraph 336F(1)(d) of the Act (which deals with the authorised disclosure of identifying information to various bodies), a body of:

- (a) a foreign country; or
- (b) the Commonwealth; or
- (c) a State; or
- (d) a Territory;

that is specified in a legislative instrument made by the Minister for this regulation is a prescribed body.

5.34E Disclosure of information to prescribed international organisations

For paragraph 336F(1)(e) of the Act (which deals with the authorised disclosure of identifying information to international organisations), an organisation that is specified in a legislative instrument made by the Minister for this regulation is a prescribed international organisation.

5.34F Disclosure of information to police and CrimTrac

- (1) This regulation applies in relation to the following:
 - (a) a person who holds:
 - (i) a Subclass 050 (Bridging (General)) visa; or
 - (ii) a Subclass 051 (Bridging (Protection Visa Applicant)) visa;
 - (b) a person covered by a residence determination.
- (2) The Minister may authorise the disclosure of any information mentioned in subregulation (4) about the person, or a class of such persons, to the following:
 - (a) the Australian Federal Police;
 - (b) the police force or police service of a State or Territory;
 - (c) CrimTrac.

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- (3) The Minister may authorise the disclosure only if the Minister reasonably believes the disclosure is necessary or appropriate for the performance of functions or the exercise of powers under the Act.
- (4) For subregulation (2), the information is the following:
 - (a) the name of the person or the names of persons in the class;
 - (b) the residential address of the person or the residential addresses of persons in the class;
 - (c) the sex of the person or of persons in the class;
 - (d) the date of birth of the person or the dates of birth of persons in the class;
 - (e) the immigration status of the person or of persons in the class;
 - (f) the CNI number of the person or persons;
 - (g) the client number of the person or persons.

5.35 Medical treatment of persons in detention under the Act

- (1) In this regulation:

detainee means a person held at a detention centre in detention under the Act.

medical treatment includes:

- (a) the administration of nourishment and fluids; and
 - (b) treatment in a hospital.
- (2) The Secretary may authorise medical treatment to be given to a detainee if:
 - (a) the Secretary, acting in person and on the written advice of:
 - (i) a Commonwealth Medical Officer; or
 - (ii) another registered medical practitioner;forms the opinion that:
 - (iii) that detainee needs medical treatment; and
 - (iv) if medical treatment is not given to that detainee, there will be a serious risk to his or her life or health; and

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- (b) that detainee fails to give, refuses to give, or is not reasonably capable of giving, consent to the medical treatment.
- (3) An authorisation by the Secretary under subregulation (2) is authority for the use of reasonable force (including the reasonable use of restraint and sedatives) for the purpose of giving medical treatment to a detainee.
- (4) A detainee to whom medical treatment is given under an authorisation under subregulation (2) is taken for all purposes to have consented to the treatment.
- (5) Medical treatment that is given under an authorisation under subregulation (2) must be given by, or in the presence of, a registered medical practitioner.
- (6) Nothing in this regulation authorises the Secretary to require a registered medical practitioner to act in a way contrary to the ethical, moral or religious convictions of that medical practitioner.

5.35AA Decisions that are not privative clause decisions

For subsection 474(5) of the Act, a decision, or a decision included in a class of decisions, made under a provision of the Act set out in the following table is not a privative clause decision.

Item	Provision	Subject matter of provision
1	section 252AA	Power to conduct a screening procedure
2	section 252A	Power to conduct a strip search
3	section 252B	Rules for conducting a strip search
4	section 252C	Possession and retention of certain things obtained during a screening procedure or strip search
5	section 252D	Authorised officer may apply for a thing to be retained for a further period
6	section 252E	Magistrate may order that thing be retained
7	section 252G	Powers concerning entry to a detention centre

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Division 5.6 Miscellaneous

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Item	Provision	Subject matter of provision
8	Division 13A of Part 2	Automatic forfeiture of things used in certain offences

Division 5.6A—Powers under an agreement or arrangement with a foreign country

5.35A Definitions

In this Division:

place means any place in or outside Australia.

weapon includes any thing capable of being used to inflict bodily injury or to help an individual escape from restraint.

5.35B Exercise of power to restrain an individual

- (1) In the exercise of a power under this Division to restrain an individual, the officer:
 - (a) must not use more force, or subject the individual to greater indignity, than is reasonably necessary to exercise the power; and
 - (b) must not do anything likely to cause the individual grievous bodily harm unless the officer believes on reasonable grounds that doing the thing is necessary to protect life or prevent serious injury to the individual or another individual (including the officer).
- (2) In this regulation:

officer includes an individual assisting the officer.

5.35C Exercise of power to search an individual

- (1) This regulation applies to a search under this Division of an individual, clothing of an individual or property under the immediate control of an individual.
- (2) The purpose for which an individual, clothing of the individual or any property under the immediate control of the individual may be searched is to find out whether the individual is carrying a weapon,

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or a weapon is hidden on the individual, in the clothing or in the property.

- (3) This regulation does not authorise an officer, or another individual conducting a search under subregulation (4), to remove any of the individual's clothing, or to require an individual to remove any of his or her clothing, except the individual's outer garments (including but not limited to the individual's overcoat, coat, jacket, gloves, shoes and head covering).
- (4) A search of an individual, and the individual's clothing, must be conducted by:
 - (a) an officer of the same sex as the individual; or
 - (b) if an officer of the same sex as the individual is not available to conduct the search—any other individual who is of the same sex and:
 - (i) is requested by an officer; and
 - (ii) agrees; to conduct the search.
- (5) An officer or other individual who conducts a search to which this regulation applies must not use more force, or subject the individual to greater indignity, than is reasonably necessary to conduct the search.

5.35D Protection of persons when acts done in good faith

- (1) An action or proceeding, whether civil or criminal, does not lie, in respect of anything done in the exercise of a power under this Division to restrain an individual, against the Commonwealth, an officer or an individual assisting an officer if the officer or individual who does the thing acts in good faith and does not contravene regulation 5.35B.
- (2) An action or proceeding, whether civil or criminal, does not lie against an individual who, at the request of an officer under subregulation 5.35C(4), conducts a search under that

subregulation if the individual acts in good faith and does not contravene subregulation 5.35C(5).

5.35E Powers when boarding certain foreign ships (Act s 245F(14))

For subsection 245F(14) of the Act, the powers that the officer may exercise, consistently with the agreement or arrangement, are the powers to do the following:

- (a) search, without warrant:
 - (i) an individual on the ship; or
 - (ii) the clothing of the individual; or
 - (iii) any property under the immediate control of the individual;
- (b) take possession of any weapon for as long as the officer thinks necessary for the purposes of this regulation;
- (c) restrain any individual on board the ship for as long as the officer thinks necessary for the purposes of this regulation;
- (d) detain the ship for as long as the officer thinks necessary for the purposes of this regulation;
- (e) bring the ship, or cause it to be brought, to a place that the officer considers appropriate.

5.35F Powers when boarding certain foreign ships on the high seas (Act s 245G(4))

- (1) For subsection 245G(4) of the Act, the powers that the officer may exercise, consistently with the agreement or arrangement, are the powers to do the following:

- (a) search the ship;
- (b) search, without warrant:
 - (i) an individual on the ship; or
 - (ii) the clothing or the individual; or
 - (iii) any property under the immediate control of the individual;
- (c) take possession of any weapon for as long as the officer thinks necessary for the purposes of this regulation;

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- (d) restrain any individual on board the ship for as long as the officer thinks necessary for the purposes of this regulation;
 - (e) detain the ship for as long as the officer thinks necessary for the purposes of this regulation;
 - (f) bring the ship, or cause it to be brought, to a port or other place that the officer considers appropriate;
 - (g) return to the ship any individual who:
 - (i) was on the ship when it was initially detained under paragraph (e); and
 - (ii) later leaves the ship.
- (2) Subject to this Division, an officer may use such force as is necessary and reasonable in the exercise of a power under this regulation.
- (3) In searching the ship, an officer must not damage the ship or any goods on the ship by forcing open a part of the ship or the goods unless:
 - (a) the individual (if any) apparently in charge of the ship has been given a reasonable opportunity to open that part or the goods; or
 - (b) it is not reasonably practical to give that individual such an opportunity.
- (4) An individual may be returned to a ship under paragraph (1)(g) only if the officer or individual assisting the officer is satisfied that it is safe to do so.

Division 5.7—Charges and fees

5.36 Payment of visa application charges, and fees, in foreign currencies

- (1) Payment of a fee, other than a visa application charge mentioned in subregulation (3A), must be made:
- (a) in a place, being Australia or a foreign country, that is specified in a legislative instrument made by the Minister for the purposes of this paragraph; and
 - (b) in a currency that is specified for the purposes of this paragraph in a legislative instrument made by the Minister as a currency in which a fee may be paid in that place.

Note: For **foreign country**, see section 2B of the *Acts Interpretation Act 1901*.

- (1A) The amount of the payment is to be worked out as follows:
- (a) if the currency in which the amount is to be paid is specified by the Minister in an instrument in writing for this paragraph, use the exchange rate for the currency specified in the notice;
 - (b) if the currency in which the amount is to be paid is not specified in an instrument for paragraph (a), use the formula in subregulation (2).

- (2) The formula is:

$$\text{AUD} \times \text{CER} \times 1.05$$

where:

AUD means the amount of the fee in Australian dollars.

CER means the highest exchange rate that is lawfully obtainable on a commercial basis for the purchase in the foreign country of Australian currency with the currency of the foreign country in a period that:

- (a) begins:
 - (i) on the day when this regulation commences; or

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- (ii) on any subsequent day when that rate increases or decreases by at least 5%; and
 - (b) ends at the end of each day before another period begins.
- (3) If the amount worked out by that formula cannot be paid wholly in banknotes of that country, the corresponding amount is that amount rounded up to the nearest larger amount that is payable wholly in banknotes of that country.
- (3A) A visa application charge payment made in accordance with regulation 2.12JA must be made in Australian dollars.
- (4) In this regulation:
 - fee* means:
 - (a) an instalment of visa application charge; or
 - (b) an amount of visa evidence charge; or
 - (c) a fee payable under these Regulations.

5.37 Employer nomination fee

- (1) This regulation sets out the fee for an application under subregulation 5.19(1) for the Minister's approval of the nomination of a position.
 - Note: Paragraph 5.19(2)(b) requires the fee to accompany the application.
- (2) If the application seeks approval in accordance with subregulation 5.19(3):
 - (a) if the position is located in regional Australia, no fee is payable; and
 - (b) if the position is not located in regional Australia, the fee is \$540.
- (3) If the application seeks approval in accordance with subparagraph 5.19(4)(h)(i), the fee is \$540.
- (4) If the application seeks approval in accordance with subparagraph 5.19(4)(h)(ii), no fee is payable.

5.38 Sponsorship fee

- (1) This regulation applies to sponsorship of an applicant if the applicant is applying for a temporary visa for which sponsorship is a requirement (other than a Subclass 600 (Visitor) visa).
- (2) Subject to subregulation (3), a fee is payable for seeking to be approved as a sponsor in respect of a sponsorship of an applicant to which this regulation applies, as follows:
 - (a) if the person or organisation is seeking to sponsor more than 10 applicants together—\$3 350;
 - (b) in any other case—\$335 for each applicant the person or organisation is seeking to sponsor.
- (3) If an application for a visa is not subject to a visa application charge, or a fee under these Regulations, no fee is payable for seeking to be approved as a sponsor in respect of that application.

5.40 Fees for assessment of a person's work qualifications and experience etc

- (1) The fee payable to an Agency within the meaning of the *Financial Management and Accountability Act 1997* for:
 - (a) an application for assessment, for the purposes of the Act, of a person's occupational qualifications or experience (or both); and
 - (b) an application for assessment, for the purposes of the Act, of a person's educational qualifications; and
 - (c) an application for internal review of an assessment;is the fee specified by the Minister in an instrument in writing for this regulation.
- (2) Subject to subregulation (3), if, on an internal review of an assessment, a review authority decides in favour of the applicant, the fee paid for the internal review is to be refunded.

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- (3) A fee paid for an internal review is not to be refunded if the applicant provided evidence for the purposes of the review that was not provided for the purposes of the application for assessment.

5.41 Fee for further opinion of Medical Officer of the Commonwealth in merits review

- (1) This regulation applies to a review by the Migration Review Tribunal of a refusal to grant a visa to a person, if:
 - (a) under regulation 2.25A, in determining whether the criteria for grant of the visa were satisfied, the Minister was required, to seek the opinion of a Medical Officer of the Commonwealth; and
 - (b) the refusal occurred wholly, or in part, because in the opinion of the Medical Officer of the Commonwealth, the person did not satisfy a requirement mentioned in subregulation 2.25A(1) or (2), as the case requires; and
 - (c) for the review—a further opinion of a Medical Officer of the Commonwealth is required.
- (2) There is payable, for the further opinion mentioned in paragraph (1)(c), a fee of \$520.

5.41A Credit card surcharge

- (1) A person is liable to pay a fee (a *credit card surcharge*) if:
 - (a) the person pays a fee or charge, or part of a fee or charge; and
 - (b) the fee or charge is of a kind specified by the Minister by a legislative instrument made for this paragraph; and
 - (c) the payment is made by credit card.
- (2) The amount of the credit card surcharge payable in respect of the payment is as follows:
 - (a) for a payment made by Visa or MasterCard credit card—1.08% of the amount of the payment;

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- (b) for a payment made by American Express or Japan Credit Bureau (JCB) credit card—1.99% of the amount of the payment;
 - (c) for a payment made by Diners Club International credit card—2.91% of the amount of the payment.
- (3) The credit card surcharge is payable when the payment is made.
- (4) The Minister may specify, in a legislative instrument, circumstances in which the credit card surcharge:
 - (a) must be waived; or
 - (b) may be waived; or
 - (c) must be refunded; or
 - (d) may be refunded.
- (5) The Minister:
 - (a) must waive payment of the credit card surcharge in circumstances specified under paragraph (4)(a); and
 - (b) may waive payment of the credit card surcharge in circumstances specified under paragraph (4)(b); and
 - (c) must refund payment of the credit card surcharge in circumstances specified under paragraph (4)(c); and
 - (d) may refund payment of the credit card surcharge in circumstances specified under paragraph (4)(d).

Division 5.8—Multiple parties in migration litigation

5.43 Meaning of *family* (Act s 486B)

For paragraph 486B(7)(a) of the Act, *family*, of an applicant in a migration proceeding, means:

- (a) the spouse or de facto partner of the applicant; and
- (b) the dependent children of the applicant.

5.44 Prescription of other persons (Act s 486B)

For paragraph 486B(7)(d) of the Act, the legal personal representative of a person who has a serious physical or mental incapacity and who is an applicant in a migration proceeding, or a member of the family of the applicant, is prescribed.

Division 5.9—Transitional arrangements

5.45 Operation of Schedule 13

Schedule 13 makes transitional arrangements in relation to amendments of these Regulations.

Schedule 1—Classes of visa

(regulations 2.01 and 2.07)

Note: This Schedule sets out the specific ways in which a non-citizen applies for a visa of a particular class. An application that is not made as set out in this Schedule is not valid and will not be considered: see the Act, ss 45, 46 and 47.

Part 1—Permanent visas

Note: Arrangements that affect certain visas mentioned in this Part can be found in regulation 2.12BC.

1104AA. Business Skills—Business Talent (Permanent) (Class EA)

- (1) Form: 1396 (Internet)
- (2) Visa application charge:
- (a) first instalment (payable at the time the application is made):

First instalment		
Item	Component	Amount
1	Base application charge	\$6 830
2	Additional applicant charge for an applicant who is at least 18	\$3 415
3	Additional applicant charge for an applicant who is less than 18	\$1 710

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

- (b) second instalment (payable before grant of visa):

Second instalment		
Item	Applicant	Amount
1	Applicant who: (a) was at least 18 at the time of application; and (b) is assessed as not having functional English; and (c) satisfies the primary criteria for the grant of a Subclass 132 (Business Talent) visa	\$9 795
2	Applicant who: (a) was at least 18 at the time of application; and (b) is assessed as not having functional English; and (c) satisfies the secondary criteria for the grant of a Subclass 132 (Business Talent) visa	\$4 890
3	Any other applicant	Nil

(3) Other:

- (a) An application must be made as an Internet application.

Note: An Internet application is taken to have been made at the time, identified using Australian Eastern Standard Time or Australian Eastern Standard Time incorporating Daylight Saving Time in the Australian Capital Territory, that corresponds to the time at which the Internet application is made: see regulation 2.10C.

- (b) An applicant may be in or outside Australia, but not in immigration clearance.

- (c) An applicant in Australia must hold:

- (i) a substantive visa; or
- (ii) a Subclass 010 Bridging A visa; or
- (iii) a Subclass 020 Bridging B visa; or
- (iv) a Subclass 030 Bridging C visa.

- (d) An application by a person claiming to be a member of the family unit of a person who is an applicant for a Business Skills—Business Talent (Permanent) (Class EA) visa may be made at the same time as, and combined with, the application by that person.

- (4) An applicant seeking to satisfy the primary criteria for a Subclass 132 (Business Talent) visa in the Significant Business History stream must meet the requirements in the table.

Schedule 1 Classes of visa

Part 1 Permanent visas

Item	Requirements
1	The applicant must have been invited, in writing, by the Minister to apply for a Subclass 132 (Business Talent) visa in the Significant Business History stream
2	The applicant must apply for that visa within the period stated in the invitation
3	The applicant must be nominated by a State or Territory government agency

Note: The invitation to apply for the visa will identify the stream to which the invitation relates.

- (5) An applicant seeking to satisfy the primary criteria for a Subclass 132 (Business Talent) visa in the Venture Capital Entrepreneur stream must meet the requirements in the table.

Item	Requirements
1	The applicant must have been invited, in writing, by the Minister to apply for a Subclass 132 (Business Talent) visa in the Venture Capital Entrepreneur stream
2	The applicant must apply for that visa within the period stated in the invitation
3	The applicant must be nominated by a State or Territory government agency

Note: The invitation to apply for the visa will identify the stream to which the invitation relates.

- (6) Subclasses:
Subclass 132 (Business Talent)

1104BA Business Skills (Permanent) (Class EC)

- (1) Form: 1398 (Internet)
- (2) Visa application charge:
- (a) first instalment (payable at the time the application is made):

First instalment

Item	Component	Amount
1	Base application charge	\$2 255
2	Additional applicant charge for an applicant who is at least 18	\$1 130
3	Additional applicant charge for an applicant who is less than 18	\$565

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(b) second instalment (payable before grant of visa):

Second instalment

Item	Applicant	Amount
1	Applicant who: (a) was at least 18 at the time of application; and (b) is assessed as not having functional English; and (c) satisfies the secondary criteria for the grant of a Subclass 888 (Business Innovation and Investment (Permanent)) visa; and (d) has not paid a second instalment of the visa application charge in relation to an application for a Subclass 188 (Business Innovation and Investment (Provisional)) visa	\$4 890
2	Any other applicant	Nil

(3) Other:

(a) An application must be made as an Internet application.

Note: An Internet application is taken to have been made at the time, identified using Australian Eastern Standard Time or Australian Eastern Standard Time incorporating Daylight Saving Time in the Australian Capital Territory, that corresponds to the time at which the Internet application is made: see regulation 2.10C.

(b) An applicant may be in or outside Australia, but not in immigration clearance.

- (c) An applicant seeking to satisfy the primary criteria must be nominated by a State or Territory government agency.
 - (d) An application by a person claiming to be a member of the family unit of a person who is an applicant for a Business Skills (Permanent) (Class EC) visa may be made at the same time as, and combined with, the application by that person.
- (4) An applicant seeking to satisfy the primary criteria for the grant of a Subclass 888 (Business Innovation and Investment (Permanent)) visa in the Business Innovation stream must meet the requirements in at least one item in the table.

Item	Requirements
1	The applicant holds a Subclass 188 (Business Innovation and Investment (Provisional)) visa in the Business Innovation stream or the Business Innovation Extension stream
2	Both of the following apply: <ul style="list-style-type: none">(a) the applicant holds a Subclass 188 (Business Innovation and Investment (Provisional)) visa granted on the basis that the applicant was the spouse or de facto partner of a person who held a Subclass 188 (Business Innovation and Investment (Provisional)) visa in the Business Innovation stream or the Business Innovation Extension stream;(b) either:<ul style="list-style-type: none">(i) the applicant has ceased to be the spouse or de facto partner of that person; or(ii) that person has since died
3	The applicant holds a Subclass 444 (Special Category) visa
4	The applicant holds a Subclass 457 (Business (Long Stay)) visa granted on the basis that: <ul style="list-style-type: none">(a) the applicant; or(b) the applicant's spouse or de facto partner (if any); or(c) the applicant's former spouse or de facto partner; satisfied the criteria in subclause 457.223(7) or (7A) of Schedule 2 for the grant of the visa

- (5) An applicant seeking to satisfy the primary criteria for the grant of a Subclass 888 (Business Innovation and Investment (Permanent))

visa in the Investor stream must meet the requirements in at least one item in the table.

Item	Requirements
1	The applicant holds a Subclass 188 (Business Innovation and Investment (Provisional)) visa in the Investor stream
2	Both of the following apply: (a) the applicant holds a Subclass 188 (Business Innovation and Investment (Provisional)) visa granted on the basis that the applicant was the spouse or de facto partner of a person who held a Subclass 188 (Business Innovation and Investment (Provisional)) visa in the Investor stream; (b) either: (i) the applicant has ceased to be the spouse or de facto partner of that person; or (ii) that person has since died

(5A) An applicant seeking to satisfy the primary criteria for the grant of a Subclass 888 (Business Innovation and Investment (Permanent)) visa in the Significant Investor stream must meet the requirements in at least one item in the table.

Item	Requirements
1	The applicant holds a Subclass 188 (Business Innovation and Investment (Provisional)) visa in the Significant Investor stream or the Significant Investor Extension stream
2	Both of the following apply: (a) the applicant holds a Subclass 188 (Business Innovation and Investment (Provisional)) visa granted on the basis that the applicant was the spouse or de facto partner of a person who held a Subclass 188 (Business Innovation and Investment (Provisional)) visa in the Significant Investor stream or the Significant Investor Extension stream; (b) either: (i) the applicant has ceased to be the spouse or de facto partner of that person; or (ii) that person has since died

(6) Subclasses:

Subclass 888 (Business Innovation and Investment
(Permanent))

1104B. Business Skills (Residence) (Class DF)

(1) Forms:

- (a) For applicant seeking to satisfy the primary criteria for the grant of a Subclass 890 (Business Owner) visa: 47BU and 1217
- (b) For applicant seeking to satisfy the primary criteria for the grant of a Subclass 891 (Investor) visa: 47BU
- (c) For applicant seeking to satisfy the primary criteria for the grant of a Subclass 892 (State/Territory Sponsored Business Owner) visa: 47BU, 1217 and 949
- (d) For applicant seeking to satisfy the primary criteria for the grant of a Subclass 893 (State/Territory Sponsored Investor) visa: 47BU and 949.

(2) Visa application charge:

- (a) first instalment (payable at the time the application is made):
 - (i) for an applicant:
 - (A) who is the holder of a Skilled—Independent Regional (Provisional) (Class UX) visa; or
 - (B) whose application is combined, or sought to be combined, with an application made by that holder:

First instalment		
Item	Component	Amount
1	Base application charge	\$325
2	Additional applicant charge for an applicant who is at least 18	\$165
3	Additional applicant charge for an applicant who is less than 18	\$80

- (ii) for any other applicant:

First instalment		
Item	Component	Amount
1	Base application charge	\$2 180
2	Additional applicant charge for an applicant who is at least 18	\$1 090
3	Additional applicant charge for an applicant who is less than 18	\$545

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(b) second instalment (payable before grant of visa):

Second instalment		
Item	Applicant	Amount
1	Applicant who: (a) was at least 18 at the time of application; and (b) is assessed as not having functional English; and (c) satisfies the secondary criteria for the grant of a visa of a subclass included in Business Skills (Residence) (Class DF); and (d) is not the holder of a visa of a subclass included in Business Skills (Provisional) (Class UR); and (e) is not the holder of a Skilled—Independent Regional (Provisional) (Class UX) visa	\$4 890
2	Any other applicant	Nil

(3) Other:

- (a) Application must be made in Australia, but not in immigration clearance.
- (b) Applicant seeking to satisfy the primary criteria must be in Australia, but not in immigration clearance.
- (c) Applicant seeking to satisfy the secondary criteria may be in or outside Australia, but not in immigration clearance.

- (d) Applicant seeking to satisfy the primary criteria for the grant of a Subclass 890 (Business Owner) visa must hold a visa of a subclass included in Business Skills (Provisional) (Class UR), granted on the basis that the applicant, or the spouse or de facto partner of the applicant (if any), or the former spouse or former de facto partner of the applicant, satisfied the primary criteria for the grant of the visa.
- (e) Applicant seeking to satisfy the primary criteria for the grant of a Subclass 891 (Investor) visa must hold a Subclass 162 (Investor (Provisional)) visa granted on the basis that the applicant satisfied the primary criteria for the grant of the visa.
- (f) For an applicant seeking to satisfy the primary criteria for the grant of a Subclass 892 (State/Territory Sponsored Business Owner) visa, applicant must hold a visa of a subclass included in Business Skills (Provisional) (Class UR), granted on the basis that the applicant, or the spouse or de facto partner of the applicant (if any), or the former spouse or former de facto partner of the applicant, satisfied the primary criteria for the grant of the visa.
- (g) Applicant seeking to satisfy the primary criteria for the grant of a Subclass 893 (State/Territory Sponsored Investor) visa must hold a Subclass 165 (State/Territory Sponsored Investor (Provisional)) visa granted on the basis that the applicant satisfied the primary criteria for the grant of the visa.
- (h) Application by a person claiming to be a member of the family unit of a person who is an applicant for a Business Skills (Residence) (Class DF) visa may be made at the same time and place as, and combined with, the application by that person.
- (i) For applicant seeking to satisfy the primary criteria for the grant of a Subclass 892 (State/Territory Sponsored Business Owner) or 893 (State/Territory Sponsored Investor) visa:
 - (i) applicant must be sponsored by an appropriate regional authority; and
 - (ii) form 949 must be signed by an officer of the authority who is authorised to sign a sponsorship of that kind.

(4) Subclasses:

- 890 (Business Owner)
- 891 (Investor)
- 892 (State/Territory Sponsored Business Owner)
- 893 (State/Territory Sponsored Investor)

1108. Child (Migrant) (Class AH)

(1) Form: 47CH.

(2) Visa application charge:

(a) first instalment (payable at the time the application is made):

(i) for an applicant:

- (A) who appears to the Minister, on the basis of information contained in the application, to be an orphan relative; or
- (B) whose application is combined, or sought to be combined, with an application made by that person:

First instalment		
Item	Component	Amount
1	Base application charge	\$1 450
2	Additional applicant charge for an applicant who is at least 18	\$725
3	Additional applicant charge for an applicant who is less than 18	\$365

(ii) for any other applicant:

First instalment		
Item	Component	Amount
1	Base application charge	\$2 370
2	Additional applicant charge for an applicant who is at least 18	\$1 185
3	Additional applicant charge for an applicant who is less than 18	\$595

Schedule 1 Classes of visa

Part 1 Permanent visas

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(b) the second instalment (payable before grant of visa) is nil.

(3) Other:

(a) Application must be made outside Australia.

(b) Application by a person claiming to be a member of the family unit of a person who is an applicant for a Child (Migrant) (Class AH) visa may be made at the same time and place as, and combined with, the application by that person.

(4) Subclasses:

101 (Child)

102 (Adoption)

117 (Orphan Relative)

1108A. Child (Residence) (Class BT)

(1) Form: 47CH.

(2) Visa application charge:

(a) first instalment (payable at the time the application is made):

(i) for an applicant:

(A) who appears to the Minister, on the basis of information contained in the application, to be an orphan relative; or

(B) whose application is combined, or sought to be combined, with an application made by that person:

First instalment		
Item	Component	Amount
1	Base application charge	\$1 450
2	Additional applicant charge for an applicant who is at least 18	\$725

First instalment		
Item	Component	Amount
3	Additional applicant charge for an applicant who is less than 18	\$365

- (iii) for an applicant whose application is:
 - (A) supported by a letter of support from a State or Territory government welfare authority; or
 - (B) combined, or sought to be combined, with an application made by that person;
 the amount is nil; and
- (iv) for any other applicant:

First instalment		
Item	Component	Amount
1	Base application charge	\$3 520
2	Additional applicant charge for an applicant who is at least 18	\$1 760
3	Additional applicant charge for an applicant who is less than 18	\$880

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(b) the second instalment (payable before grant of visa) is nil.

(3) Other:

- (a) Application must be made in Australia but not in immigration clearance.
- (b) Applicant must be in Australia but not in immigration clearance.
- (c) Application by a person claiming to be a member of the family unit of a person (the **first applicant**) who is an applicant for a Child (Residence) (Class BT) visa:

- (i) if subparagraph (ii) does not apply—may be made at the same time and place as, and combined with, the application made by the first applicant; and
 - (ii) if the first applicant's application for a Child (Residence) (Class BT) visa is supported by a letter of support from a State or Territory government welfare authority—may not be made at the same time and place as, and combined with, the application made by the first applicant.
- (d) Application by a person whose application is supported by a letter of support from a State or Territory government welfare authority may be made if the person has not turned 18 at the time the application is made.
- (da) An application must be made:
 - (i) by posting the application (with the correct pre-paid postage) to the post office box address or other address specified by the Minister in an instrument in writing for this subparagraph; or
 - (ii) by having the application delivered by a courier service to the address specified by the Minister in an instrument in writing for this subparagraph; or
 - (iii) if no address has been specified for subparagraphs (i) and (ii)—by lodging the application at an office of Immigration.
- (e) For an application made by a person to whom section 48 of the Act applies:
 - (i) the applicant:
 - (A) has not turned 25; or
 - (B) claims to be incapacitated for work due to total or partial loss of bodily or mental functions; and
 - (ii) if the applicant is not claiming to be an orphan relative of an Australian citizen, Australian permanent resident or eligible New Zealand citizen, the applicant must provide, at the same time and place as making the application, an approved form 40CH that has been completed and signed by an Australian citizen,

- Australian permanent resident or eligible New Zealand citizen who claims to be the parent of the applicant; and
- (iii) if the applicant claims to be incapacitated for work due to total or partial loss of bodily or mental functions, the applicant must provide, at the same time and place as making the application, evidence from a medical practitioner that supports the applicant's claim.

(4) Subclasses:

- 802 (Child)
837 (Orphan Relative)

(5) In this item:

letter of support means a letter of support provided by a State or Territory government welfare authority that:

- (a) supports a child's application for permanent residency in Australia; and
- (b) sets out:
- (i) the circumstances leading to the involvement of a State or Territory government welfare authority in the welfare of the child; and
- (ii) the State or Territory government welfare authority's reasons for supporting the child's application for permanent residency in Australia; and
- (c) describes the nature of the State or Territory government welfare authority's continued involvement in the welfare of the child; and
- (d) shows the letterhead of the State or Territory government welfare authority; and
- (e) is signed by a manager or director employed by the State or Territory government welfare authority.

medical practitioner means a person registered as a medical practitioner under a law of a State or Territory providing for the registration of medical practitioners.

1111. Confirmatory (Residence) (Class AK)

- (1) Form: 852.
- (2) Visa application charge:
- (a) first instalment (payable at the time the application is made):
- (i) for an applicant:
- (A) who was granted a Subclass 773 (Border) visa on last arriving in Australia; or
- (B) whose application is combined, or sought to be combined, with an application made by that person:

First instalment		
Item	Component	Amount
1	Base application charge	\$275
2	Additional applicant charge for an applicant who is at least 18	\$140
3	Additional applicant charge for an applicant who is less than 18	\$70

- (ii) for any other applicant, the amount is nil.

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

- (b) second instalment (payable before grant of visa):

Second instalment		
Item	Applicant	Amount
1	Applicant who is the holder of a Subclass 302 (Emergency (Permanent Visa Applicant)) visa	The second instalment of the visa application charge that applied to that visa, less any payment already made towards that instalment
2	Any other applicant	Nil

(3) Other:

- (a) Application must be made in Australia but not in immigration clearance.
- (b) Applicant must be in Australia but not in immigration clearance.
- (c) Application by a person claiming to be a member of the family unit of a person who is an applicant for a Confirmatory (Residence) (Class AK) visa may be made at the same time and place as, and combined with, the application by that person.

(4) Subclasses:

808 (Confirmatory)

1112. Distinguished Talent (Migrant) (Class AL)

(1) Form: 47SV.

(2) Visa application charge:

- (a) first instalment (payable at the time the application is made):

First instalment		
Item	Component	Amount
1	Base application charge	\$2 410
2	Additional applicant charge for an applicant who is at least 18	\$1 205
3	Additional applicant charge for an applicant who is less than 18	\$605

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

- (b) second instalment (payable before grant of visa):

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Second instalment		
Item	Applicant	Amount
1	Applicant who: (a) was at least 18 at the time of application; and (b) is assessed as not having functional English	\$4 890
2	Any other applicant	Nil

(3) Other:

(a) Application must be made by:

- (i) posting the application (with the correct pre-paid postage) to the post office box address specified in a legislative instrument made by the Minister for this subparagraph; or
- (ii) having the application delivered by a courier service to the address specified in a legislative instrument made by the Minister for this subparagraph.

(b) Application by a person claiming to be a member of the family unit of a person who is an applicant for a Distinguished Talent (Migrant) (Class AL) visa may be made at the same time and place as, and combined with, the application by that person.

(c) If the applicant seeks to meet the requirements of subclause 124.211(2), application must be accompanied by a completed approved form 1000.

(d) If the applicant seeks to meet the requirements of subclause 124.211(4), the Minister must have received advice from:

- (i) the Minister responsible for an intelligence or security agency within the meaning of the *Australian Security Intelligence Organisation Act 1979*; or
- (ii) the Director-General of Security;

that the applicant has provided specialised assistance to the Australian Government in matters of security.

(4) Subclasses:

124 (Distinguished Talent)

1113. Distinguished Talent (Residence) (Class BX)

- (1) Form: 47SV.
- (2) Visa application charge:
 - (a) first instalment (payable at the time the application is made):

First instalment		
Item	Component	Amount
1	Base application charge	\$3 575
2	Additional applicant charge for an applicant who is at least 18	\$1 790
3	Additional applicant charge for an applicant who is less than 18	\$895

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

- (b) second instalment (payable before grant of visa):

Second instalment		
Item	Applicant	Amount
1	Applicant who: <ul style="list-style-type: none"> (a) was at least 18 at the time of application; and (b) is assessed as not having functional English 	\$4 890
2	Any other applicant	Nil

- (3) Other:
 - (a) Application must be made in Australia but not in immigration clearance.
 - (aa) Application must be made by:
 - (i) posting the application (with the correct pre-paid postage) to the post office box address specified in a legislative instrument made by the Minister for this subparagraph; or

- (ii) having the application delivered by a courier service to the address specified in a legislative instrument made by the Minister for this subparagraph.

Note: Regulation 2.12BC sets out special arrangements for the making of applications by persons designated under regulation 2.07AO. The arrangements in paragraph 1113(3)(aa) do not apply to those persons.

- (b) Applicant must be in Australia but not in immigration clearance.
- (c) Application by a person claiming to be a member of the family unit of a person who is an applicant for a Distinguished Talent (Residence) (Class BX) visa may be made at the same time and place as, and combined with, the application by that person.
- (d) If the applicant seeks to meet the requirements of subclause 858.212(2), application must be accompanied by a completed approved form 1000.
- (e) If the applicant seeks to meet the requirements of subclause 858.212(4), the Minister must have received advice from:
 - (i) the Minister responsible for an intelligence or security agency within the meaning of the *Australian Security Intelligence Organisation Act 1979*; or
 - (ii) the Director-General of Security;that the applicant has provided specialised assistance to the Australian Government in matters of security.

- (4) Subclasses:
 - 858 (Distinguished Talent)

1114B. Employer Nomination (Permanent) (Class EN)

- (1) Form: 1408 (Internet)
- (2) Visa application charge:
 - (a) first instalment (payable at the time the application is made):

First instalment		
Item	Component	Amount
1	Base application charge	\$3 520
2	Additional applicant charge for an applicant who is at least 18	\$1 760
3	Additional applicant charge for an applicant who is less than 18	\$880

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(b) second instalment (payable before grant of visa):

Second instalment		
Item	Applicant	Amount
1	Applicant: (a) who was at least 18 at the time of application; and (b) who is assessed as not having functional English; and (c) who satisfies the primary criteria for the grant of a Subclass 186 (Employer Nomination Scheme) visa; and (d) to whom item 3 does not apply	\$9 800
2	Applicant: (a) who was at least 18 at the time of application; and (b) who is assessed as not having functional English; and (c) who satisfies the secondary criteria for the grant of a Subclass 186 (Employer Nomination Scheme) visa; and (d) to whom item 3 does not apply	\$4 890
3	Applicant who is: (a) nominated as a Minister of Religion by a religious institution; or (b) a member of the family unit of an applicant referred to in paragraph (a)	Nil
4	Any other applicant	Nil

(3) Other:

(a) An application must be made as an Internet application.

Note: An Internet application is taken to have been made at the time, identified using Australian Eastern Standard Time or Australian Eastern Standard Time incorporating Daylight Saving Time in the Australian Capital Territory, that corresponds to the time at which the Internet application is made: see regulation 2.10C.

(b) An applicant may be in or outside Australia, but not in immigration clearance.

(c) An applicant in Australia must hold:

- (i) a substantive visa; or
- (ii) a Subclass 010 (Bridging A) visa; or
- (iii) a Subclass 020 (Bridging B) visa; or
- (iv) a Subclass 030 (Bridging C) visa.

(d) An applicant seeking to satisfy the primary criteria must declare in the application that the position to which the application relates is a position nominated:

- (i) under regulation 5.19; or
- (ii) in accordance with a labour agreement that is in effect, by an employer that is a party to the labour agreement.

(e) An application by a person claiming to be a member of the family unit of a person who is an applicant for an Employer Nomination (Permanent) (Class EN) visa may be made at the same time as, and combined with, the application by that person.

(4) Subclasses:

Subclass 186 (Employer Nomination Scheme)

1114C. Regional Employer Nomination (Permanent) (Class RN)

(1) Form: 1408 (Internet)

(2) Visa application charge:

(a) first instalment (payable at the time the application is made):

First instalment

Item	Component	Amount
1	Base application charge	\$3 520
2	Additional applicant charge for an applicant who is at least 18	\$1 760
3	Additional applicant charge for an applicant who is less than 18	\$880

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(b) second instalment (payable before grant of visa):

Second instalment

Item	Applicant	Amount
1	Applicant: (a) who was at least 18 at the time of application; and (b) who is assessed as not having functional English; and (c) who satisfies the primary criteria for the grant of a Subclass 187 (Regional Sponsored Migration Scheme) visa; and (d) to whom item 3 does not apply	\$9 800
2	Applicant: (a) who was at least 18 at the time of application; and (b) who is assessed as not having functional English; and (c) who satisfies the secondary criteria for the grant of a Subclass 187 (Regional Sponsored Migration Scheme) visa; and (d) to whom item 3 does not apply	\$4 890
3	Applicant who is: (a) nominated as a Minister of Religion by a religious institution; or (b) a member of the family unit of an applicant referred to in paragraph (a)	Nil
4	Any other applicant	Nil

(3) Other:

(a) An application must be made as an Internet application.

Note: An Internet application is taken to have been made at the time, identified using Australian Eastern Standard Time or Australian Eastern Standard Time incorporating Daylight Saving Time in the Australian Capital Territory, that corresponds to the time at which the Internet application is made: see regulation 2.10C.

(b) An applicant may be in or outside Australia, but not in immigration clearance.

(c) An applicant in Australia must hold:

- (i) a substantive visa; or
- (ii) a Subclass 010 (Bridging A) visa; or
- (iii) a Subclass 020 (Bridging B) visa; or
- (iv) a Subclass 030 (Bridging C) visa.

(d) An applicant seeking to satisfy the primary criteria must declare in the application that the position to which the application relates is a position nominated:

- (i) under regulation 5.19; or
- (ii) in accordance with a labour agreement that is in effect, by an employer that is a party to the labour agreement.

(e) An application by a person claiming to be a member of the family unit of a person who is an applicant for a Regional Employer Nomination (Permanent) (Class RN) visa may be made at the same time as, and combined with, the application by that person.

(4) Subclasses:

Subclass 187 (Regional Sponsored Migration Scheme)

1118A. Special Eligibility (Class CB)

(1) Form: 47SV.

(2) Visa application charge:

(a) first instalment (payable at the time the application is made):

(i) for an applicant:

(A) who is in Australia at the time of application; or

(B) whose application is combined, or sought to be combined, with an application made by that person:

First instalment		
Item	Component	Amount
1	Base application charge	\$3 520
2	Additional applicant charge for an applicant who is at least 18	\$1 760
3	Additional applicant charge for an applicant who is less than 18	\$880

(ii) for an applicant:

(A) who is outside Australia at the time of application; and

(B) whose application is combined, or sought to be combined, with an application made by that person:

First instalment		
Item	Component	Amount
1	Base application charge	\$2 370
2	Additional applicant charge for an applicant who is at least 18	\$1 185
3	Additional applicant charge for an applicant who is less than 18	\$595

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(b) second instalment (payable before grant of visa):

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Second instalment

Item	Applicant	Amount
1	Applicant: (a) who was at least 18 at the time of application; and (b) who is assessed as not having functional English	\$4 890
2	Any other applicant	Nil

(3) Other:

(a) Application must be made by:

- (i) posting the application (with the correct pre-paid postage) to the post office box address specified by the Minister in an instrument in writing for this subparagraph; or
- (ii) having the application delivered by a courier service to the address specified by the Minister in an instrument in writing for this subparagraph.

(b) Application by a person claiming to be a member of the family unit of a person who is an applicant for a Special Eligibility (Class CB) visa may be made at the same time and place as, and combined with, the application by that person.

(4) Subclasses:

151 (Former Resident)

1123. Norfolk Island Permanent Resident (Residence) (Class AW)

(1) Form: 15.

(2) Visa application charge: Nil.

(3) Other:

- (a) Application must be made in immigration clearance.
- (b) Applicant must be in immigration clearance.
- (c) The applicant must show a clearance officer a passport that is in force and that is endorsed with an authority to reside indefinitely on Norfolk Island.

(4) Subclasses:

834 (Permanent Resident of Norfolk Island)

1123A. Other Family (Migrant) (Class BO)

- (1) Form: 47OF.
- (2) Visa application charge:
- (a) first instalment (payable at the time the application is made):
- (i) for an applicant:
- (A) who appears to the Minister, on the basis of information contained in the application, to be a carer; or
- (B) whose application is combined, or sought to be combined, with an application made by that person:

First instalment		
Item	Component	Amount
1	Base application charge	\$1 450
2	Additional applicant charge for an applicant who is at least 18	\$725
3	Additional applicant charge for an applicant who is less than 18	\$365

- (ii) for any other applicant:

First instalment		
Item	Component	Amount
1	Base application charge	\$2 370
2	Additional applicant charge for an applicant who is at least 18	\$1 185
3	Additional applicant charge for an applicant who is less than 18	\$595

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

- (b) second instalment (payable before grant of visa):

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Second instalment

Item	Applicant	Amount
1	Applicant: (a) who is a carer; and (b) in relation to whom the Minister has determined that the second instalment of the visa application charge should not be paid because the Minister is satisfied that payment of the instalment has caused, or is likely to cause, severe financial hardship to the applicant or to the person of whom the applicant is a carer	Nil
2	Any other applicant	\$2 065
	(3) Other: (a) Application must be made outside Australia. (b) Application by a person claiming to be a member of the family unit of a person who is an applicant for an Other Family (Migrant) (Class BO) visa may be made at the same time and place as, and combined with, the application by that person. (c) Application by a person claiming to be a carer must be accompanied by satisfactory evidence that the relevant medical assessment has been sought.	
	(4) Subclasses: 114 (Aged Dependent Relative) 115 (Remaining Relative) 116 (Carer)	

1123B. Other Family (Residence) (Class BU)

- (1) Form: 47OF.
- (2) Visa application charge:
- (a) first instalment (payable at the time the application is made):
- (i) for an applicant:

- (A) who appears to the Minister, on the basis of information contained in the application, to be a carer; or
- (B) whose application is combined, or sought to be combined, with an application made by that person:

First instalment		
Item	Component	Amount
1	Base application charge	\$1 450
2	Additional applicant charge for an applicant who is at least 18	\$725
3	Additional applicant charge for an applicant who is less than 18	\$365

(ii) for any other applicant:

First instalment		
Item	Component	Amount
1	Base application charge	\$3 520
2	Additional applicant charge for an applicant who is at least 18	\$1 760
3	Additional applicant charge for an applicant who is less than 18	\$880

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(b) second instalment (payable before grant of visa):

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Second instalment		
Item	Applicant	Amount
1	Applicant: (a) who is a carer; and (b) in relation to whom the Minister has determined that the second instalment of the visa application charge should not be paid because the Minister is satisfied that payment of the instalment has caused, or is likely to cause, severe financial hardship to the applicant or to the person of whom the applicant is a carer	Nil
2	Any other applicant	\$2 065

(3) Other:

- (a) Application must be made in Australia but not in immigration clearance.
- (b) Applicant must be in Australia but not in immigration clearance.
- (c) Application by a person claiming to be a member of the family unit of a person who is an applicant for an Other Family (Residence) (Class BU) visa may be made at the same time and place as, and combined with, the application by that person.
- (ca) An application must be made:
 - (i) by posting the application (with the correct pre-paid postage) to the post office box address or other address specified by the Minister in an instrument in writing for this subparagraph; or
 - (ii) by having the application delivered by a courier service to the address specified by the Minister in an instrument in writing for this subparagraph; or
 - (iii) if no address has been specified for subparagraphs (i) and (ii)—by lodging the application at an office of Immigration.
- (d) Application by a person claiming to be a carer must be accompanied by satisfactory evidence that the relevant medical assessment has been sought.

(4) Subclasses:

835 (Remaining Relative)

- 836 (Carer)
838 (Aged Dependent Relative)

1124. Parent (Migrant) (Class AX)

- (1) Form: 47PA.
(2) Visa application charge:
(a) first instalment (payable at the time the application is made):

First instalment		
Item	Component	Amount
1	Base application charge	\$2 370
2	Additional applicant charge for an applicant who is at least 18	\$1 185
3	Additional applicant charge for an applicant who is less than 18	\$595

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

- (b) the second instalment (payable before grant of visa) is \$2 065.
- (3) Other:
- (a) Application must be made in Australia but not in immigration clearance.
- (aa) Application must be made by:
- (i) posting the application (with the correct pre-paid postage) to the post office box address specified in a legislative instrument made by the Minister for this subparagraph; or
- (ii) having the application delivered by a courier service to the address specified in a legislative instrument made by the Minister for this subparagraph.

- (ab) If the applicant has previously made a valid application for another parent visa:
 - (i) a decision to grant or to refuse to grant that visa has been made; or
 - (ii) the application for that visa has been withdrawn.
- (b) Application by a person claiming to be a member of the family unit of a person who is an applicant for a Parent (Migrant) (Class AX) visa may be made at the same time and place as, and combined with, the application by that person.

- (4) Subclasses:
 - 103 (Parent)

1124A. Aged Parent (Residence) (Class BP)

- (1) Form: 47PA.
- (2) Visa application charge:
 - (a) first instalment (payable at the time the application is made):

First instalment		
Item	Component	Amount
1	Base application charge	\$3 520
2	Additional applicant charge for an applicant who is at least 18	\$1 760
3	Additional applicant charge for an applicant who is less than 18	\$880

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

- (b) the second instalment (payable before grant of visa) is \$2 065.
- (3) Other:
 - (a) Application must be made in Australia, but not in immigration clearance.

- (b) The applicant must be in Australia, but not in immigration clearance.
- (ba) If the applicant has previously made a valid application for another parent visa:
 - (i) a decision to grant or to refuse to grant that visa has been made; or
 - (ii) the application for that visa has been withdrawn.
- (bb) An application must be made:
 - (i) by posting the application (with the correct pre-paid postage) to the post office box address or other address specified by the Minister in an instrument in writing for this subparagraph; or
 - (ii) by having the application delivered by a courier service to the address specified by the Minister in an instrument in writing for this subparagraph; or
 - (iii) if no address has been specified for subparagraphs (i) and (ii)—by lodging the application at an office of Immigration.
- (c) Application by a person claiming to be a member of the family unit of a person who is an applicant for an Aged Parent (Residence) (Class BP) visa may be made at the same time and place as, and combined with, the application by that person.

- (4) Subclasses:
 - 804 (Aged Parent)

1124B. Partner (Residence) (Class BS)

- (1) Form:
 - (a) If the applicant is the holder of a Subclass 445 (Dependent Child) visa: 1002
 - (b) In any other case: 47SP or 47SP (Internet).
- (2) Visa application charge:
 - (a) first instalment (payable at the time the application is made):
 - (i) for an applicant:
 - (A) who is the holder of a Subclass 445 (Dependent Child) visa; or

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- (B) whose application is combined, or sought to be combined, with an application made by that person:
the amount is nil; and
- (ii) for an applicant:
- (A) who is the holder of a transitional (temporary) visa, granted on the basis that the holder satisfied the criteria for grant of an extended eligibility entry permit under the Migration (1989) Regulations; or
- (B) whose application is combined, or sought to be combined, with an application made by that person:

First instalment		
Item	Component	Amount
1	Base application charge	\$410
2	Additional applicant charge for an applicant who is at least 18	\$205
3	Additional applicant charge for an applicant who is less than 18	\$105

- (iii) for an applicant who:
- (A) is not the holder of a substantive visa; and
- (B) entered Australia before 19 December 1989; and
- (C) at the time of entry, was engaged to be married to a person who was an Australian citizen or Australian permanent resident; and
- (D) has subsequently married that person;
- or whose application is combined, or sought to be combined, with an application made by that person:

First instalment		
Item	Component	Amount
1	Base application charge	\$1 450
2	Additional applicant charge for an applicant who is at least 18	\$725

First instalment		
Item	Component	Amount
3	Additional applicant charge for an applicant who is less than 18	\$365

(iv) for an applicant who:

- (A) is not the holder of a substantive visa; and
- (B) entered Australia on or after 19 December 1989 as the holder of a prospective marriage (code number 300) entry permit granted under the Migration (1989) Regulations, or a Class 300 (prospective marriage) entry permit granted under the Migration (1993) Regulations; and
- (C) ceased to hold a substantive visa after marrying the Australian citizen or Australian permanent resident whom the applicant entered Australia to marry;

or whose application is combined, or sought to be combined, with an application made by that person:

First instalment		
Item	Component	Amount
1	Base application charge	\$1 450
2	Additional applicant charge for an applicant who is at least 18	\$725
3	Additional applicant charge for an applicant who is less than 18	\$365

(v) for an applicant who:

- (A) is the holder of a Prospective Marriage (Temporary) (Class TO) visa; and
- (B) is married to the person who was specified as the applicant's intended spouse in the application for that visa; and
- (C) seeks to remain in Australia permanently on the basis of that marriage;

or whose application is combined, or sought to be combined, with an application made by that person:

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First instalment		
Item	Component	Amount
1	Base application charge	\$1 145
2	Additional applicant charge for an applicant who is at least 18	\$575
3	Additional applicant charge for an applicant who is less than 18	\$285

- (vi) In the case of an applicant who:
- (A) is not the holder of a substantive visa; and
 - (B) entered Australia as the holder of a Prospective Marriage (Temporary) (Class TO) visa; and
 - (C) ceased to hold that visa after marrying the Australian citizen, Australian permanent resident or eligible New Zealand citizen whom the applicant entered Australia to marry; and
 - (D) seeks to remain in Australia permanently on the basis of that marriage;
- or whose application is combined, or sought to be combined, with an application made by that person:

First instalment		
Item	Component	Amount
1	Base application charge	\$1 450
2	Additional applicant charge for an applicant who is at least 18	\$725
3	Additional applicant charge for an applicant who is less than 18	\$365

- (vii) for any other applicant:

First instalment		
Item	Component	Amount
1	Base application charge	\$6 865
2	Additional applicant charge for an applicant who is at least 18	\$3 435
3	Additional applicant charge for an applicant who is less than 18	\$1 720

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(b) the second instalment (payable before grant of visa) is nil.

(3) Other:

- (a) Application must be made in Australia, but not in immigration clearance.
- (b) The applicant must be in Australia, but not in immigration clearance.
- (c) Application by a person claiming to be a member of the family unit of a person who is an applicant for a Partner (Residence) (Class BS) visa may be made at the same time and place as, and combined with, the application by that person.
- (ca) An application (not being an Internet application) must be made:
 - (i) by posting the application (with the correct pre-paid postage) to the post office box address or other address specified by the Minister in an instrument in writing for this subparagraph; or
 - (ii) by having the application delivered by a courier service to the address specified by the Minister in an instrument in writing for this subparagraph; or
 - (iii) if no address has been specified for subparagraphs (i) and (ii)—by lodging the application at an office of Immigration.
- (d) If the applicant holds a Subclass 820 (Partner) visa or a Subclass 309 (Partner (Provisional)) visa at the time of making the application for the Partner (Residence) (Class BS) visa, the applicant must not have had any of the following visas refused in the 21 days immediately before making the application for the Partner (Residence) (Class BS) visa:
 - (i) a Subclass 100 (Spouse) visa;
 - (ii) a Subclass 100 (Partner) visa;

- (iii) a Subclass 110 (Interdependency) visa;
 - (iv) a Subclass 309 (Spouse (Provisional)) visa;
 - (v) a Subclass 309 (Partner (Provisional)) visa;
 - (vi) a Subclass 310 (Interdependency (Provisional)) visa;
 - (vii) a Subclass 801 (Spouse) visa;
 - (viii) a Subclass 801 (Partner) visa;
 - (ix) a Subclass 814 (Interdependency) visa;
 - (x) a Subclass 820 (Spouse) visa;
 - (xi) a Subclass 820 (Partner) visa;
 - (xii) a Subclass 826 (Interdependency) visa.
- (e) Subject to subitem (3A), if the applicant is a person to whom section 48 of the Act applies, the applicant:
- (i) must not have been refused any of the following visas since last entering Australia:
 - (A) a Subclass 100 (Spouse) visa;
 - (B) a Subclass 100 (Partner) visa;
 - (C) a Subclass 110 (Interdependency) visa;
 - (D) a Subclass 309 (Spouse (Provisional)) visa;
 - (E) a Subclass 309 (Partner (Provisional)) visa;
 - (F) a Subclass 310 (Interdependency (Provisional)) visa;
 - (G) a Subclass 801 (Spouse) visa;
 - (H) a Subclass 801 (Partner) visa;
 - (I) a Subclass 814 (Interdependency) visa;
 - (J) a Subclass 820 (Spouse) visa;
 - (K) a Subclass 820 (Partner) visa;
 - (L) a Subclass 826 (Interdependency) visa; and
 - (ii) must provide, at the same time and place as making the application, an approved form 40SP or 40SP (Internet) that has been completed and signed by an Australian citizen, Australian permanent resident or eligible New Zealand citizen who claims to be the spouse or de facto partner of the applicant (the *partner*); and
 - (iii) must provide, at the same time and place as making the application, 2 statutory declarations each of which:

- (A) is made by an Australian citizen, Australian permanent resident or eligible New Zealand citizen who is not the partner; and
 - (B) declares that the applicant and the partner are in a married relationship or de facto relationship; and
 - (C) was declared no more than 6 weeks before the day on which the application for the Partner (Residence) (Class BS) visa was made.
- (3A) For paragraph (3)(e):
- (a) the applicant is taken to have met the requirements of the paragraph if the applicant:
 - (i) is a person to whom section 48 of the Act applies; and
 - (ii) claims to be a dependent child of a person who has met the requirements of paragraph (3)(e); and
 - (b) if the applicant leaves and re-enters the migration zone while holding a bridging visa, the applicant is taken to have been continuously in the migration zone despite the travel.
- (4) Subclasses:
- 801 (Partner)

1127AA. Resolution of Status (Class CD)

Note: Subregulation 2.07AQ(3) sets out other circumstances in which a person is taken to have made a valid application for a Resolution of Status (Class CD) visa.

- (1) Form: 1364.
- (2) Visa application charge: Nil.
- (3) Other:
 - (a) Application must be made in Australia.
 - (b) Applicant must be in Australia but not in immigration clearance.
 - (c) The criteria in at least 1 of the items in the table are satisfied.

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Item	Criterion 1	Criterion 2	Criterion 3
1	Applicant holds: (a) a Subclass 447 (Secondary Movement Offshore Entry (Temporary)) visa; or (b) a Subclass 451 (Secondary Movement Relocation (Temporary)) visa; or (c) a Subclass 695 (Return Pending) visa	Nil	Nil
2	Applicant held, but no longer holds, a visa of a kind mentioned in criterion 1 of item 1, or a Subclass 785 (Temporary Protection) visa granted before 9 August 2008, and the visa was not cancelled	Applicant: (a) has not left Australia; or (b) while holding a visa that permits re-entry to Australia, has left and re-entered Australia	Applicant does not hold a permanent visa
3	Applicant is a member of the same family unit as a person who: (a) has made a valid application for a Resolution of Status (Class CD) visa as a result of satisfying the criteria in item 1 or 2; or (b) is taken to have made a valid application for a Resolution of Status (Class CD) visa as a result of satisfying the criteria in item 1 or 2 of the table in subregulation 2.07AQ (3).	Applicant: (a) was in Australia on 9 August 2008 and was a member of the same family unit on that date; or (b) was born on or after 9 August 2008	Nil

(4) Subclasses:

851 (Resolution of Status)

(5) For this item, a person (**person A**) is a member of the same family unit as another person (**person B**) if:

- (a) person A is a member of person B's family unit; or
- (b) person B is a member of person A's family unit; or
- (c) person A and person B are members of the family unit of a third person.

1128. Return (Residence) (Class BB)

(1) Form:

- (a) If the application is an Internet application: 1085E
- (b) In any other case: 1085 (unless the application is in accordance with subparagraph (3)(a)(iii), in which case no form is required).

(2) Visa application charge:

- (a) the base application charge (payable at the time the application is made) is \$345; and
- (b) the second instalment (payable before grant of visa) is nil.

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(3) Other:

- (a) For an application that is not an Internet or oral application:
 - (i) the application may be made in or outside Australia, but not in immigration clearance; and
 - (ii) the applicant must be in Australia to make an application in Australia; and
 - (iii) an application made in Australia may be made in writing, but not in accordance with form 1085.
- (aa) Application may be made as an Internet application.

Note: An Internet application is taken to have been made at the time, identified using Australian Eastern Standard Time or Australian Eastern Standard Time incorporating Daylight Saving Time in the Australian Capital Territory, that corresponds to the time at which the Internet application is made: see regulation 2.10C.

- (b) For an Internet application the applicant may be in or outside Australia, but not in immigration clearance.
- (ba) For an oral application:
 - (i) the application must be made in Australia, but not in immigration clearance; and

- (ii) the applicant must be in Australia to make an application in Australia; and
 - (iii) the application must be made as permitted by subregulation 2.09(2) or (3).
- (c) Applicant must not hold a Transitional (Permanent) visa that is taken to have been granted under regulation 9 of the Migration Reform (Transitional Provisions) Regulations.
- (d) Application by a person is not a valid application if:
 - (i) the most recent permanent visa held by the person is, or was, the subject of a notice, under subsection 135(1) of the Act, proposing cancellation; and
 - (ii) the person has not been notified of a decision not to proceed with the cancellation; and
 - (iii) the visa was not the subject of a decision to cancel the visa under section 134 of the Act.
- (e) Application by a person is not a valid application if:
 - (i) the most recent permanent visa held by the person was the subject of a decision to cancel the visa under section 134 of the Act (whether or not the decision has come into effect); and
 - (ii) the decision to cancel the visa has not been set aside by the AAT.

(4) Subclasses:

- 155 (Five Year Resident Return)
- 157 (Three Month Resident Return)

1129. Partner (Migrant) (Class BC)

(1) Form:

- (a) If the applicant is the holder of a Subclass 445 (Dependent Child) visa: 1002.
- (b) In any other case: 47SP or 47SP (Internet).

(2) Visa application charge:

- (a) first instalment (payable at the time the application is made):
 - (i) for an applicant:

- (A) who is the holder of a Subclass 445 (Dependent Child) visa; or
 - (B) whose application is combined, or sought to be combined, with an application made by that person;
- the amount is nil; and
- (ii) for any other applicant:

First instalment		
Item	Component	Amount
1	Base application charge	\$4 630
2	Additional applicant charge for an applicant who is at least 18	\$2 320
3	Additional applicant charge for an applicant who is less than 18	\$1 155

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

- (b) the second instalment (payable before grant of visa) is nil.

(3) Other:

- (a) Application (not being an Internet application) otherwise than by the holder of:
 - (i) a Subclass 445 (Dependent Child) visa; or
 - (ii) a Subclass 309 (Spouse (Provisional)) visa, a Subclass 309 (Partner (Provisional)) visa or a Subclass 310 (Interdependency (Provisional)) visa, which the Minister has decided, under section 345, 351, 391, 417, 454 or 501J of the Act, to grant;
must be made outside Australia.
- (b) Application by the holder of:
 - (i) a Subclass 445 (Dependent Child) visa; or
 - (ii) a Subclass 309 (Spouse (Provisional)) visa, a Subclass 309 (Partner (Provisional)) visa or a Subclass 310

- (Interdependency (Provisional)) visa, which the Minister has decided, under section 345, 351, 391, 417, 454 or 501J of the Act, to grant;
may be made in or outside Australia, but not in immigration clearance.
- (c) Applicant other than an applicant who is the holder of:
- (i) a Subclass 445 (Dependent Child) visa; or
 - (ii) a Subclass 309 (Spouse (Provisional)) visa, a Subclass 309 (Partner (Provisional)) visa or a Subclass 310 (Interdependency (Provisional)) visa, which the Minister has decided, under section 345, 351, 391, 417, 454 or 501J of the Act, to grant;
- must be outside Australia.
- (d) Applicant who is the holder of:
- (i) a Subclass 445 (Dependent Child) visa; or
 - (ii) a Subclass 309 (Spouse (Provisional)) visa, a Subclass 309 (Partner (Provisional)) visa or a Subclass 310 (Interdependency (Provisional)) visa, which the Minister has decided, under section 345, 351, 391, 417, 454 or 501J of the Act, to grant;
- may be in or outside Australia, but not in immigration clearance.
- (e) Application by a person claiming to be a member of the family unit of a person who is an applicant for a Partner (Migrant) (Class BC) visa may be made at the same time and place as, and combined with, the application by that person.
- (f) An application (not being an Internet application) that is made in Australia must be made:
- (i) by posting the application (with the correct pre-paid postage) to the post office box address or other address specified by the Minister in an instrument in writing for this subparagraph; or
 - (ii) by having the application delivered by a courier service to the address specified by the Minister in an instrument in writing for this subparagraph; or
 - (iii) if no address has been specified for subparagraphs (i) and (ii)—by lodging the application at an office of Immigration.
-

- (4) Subclasses:
100 (Partner)

1130. Contributory Parent (Migrant) (Class CA)

- (1) Form:
- (a) If the applicant is the holder of a Subclass 173 (Contributory Parent (Temporary)) visa: 47PT
 - (b) In any other case: 47PA.
- (2) Visa application charge:
- (a) first instalment (payable at the time the application is made):
 - (i) for an applicant:
 - (A) who is the holder of a Subclass 173 (Contributory Parent (Temporary)) visa at the time of application; or
 - (B) whose application is combined, or sought to be combined, with an application made by that person:

First instalment		
Item	Component	Amount
1	Base application charge	\$325
2	Additional applicant charge for an applicant who is at least 18	\$165
3	Additional applicant charge for an applicant who is less than 18	\$80

- (ii) for an applicant who:
 - (A) has been the holder of a Subclass 173 (Contributory Parent (Temporary)) visa; and
 - (B) is the holder of a substituted Subclass 600 visa at the time of application;or whose application is combined, or sought to be combined, with an application made by that person:

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First instalment		
Item	Component	Amount
1	Base application charge	\$325
2	Additional applicant charge for an applicant who is at least 18	\$165
3	Additional applicant charge for an applicant who is less than 18	\$80

- (iii) for an applicant:
- (A) who has held a Subclass 173 (Contributory Parent (Temporary)) visa at any time in the 28 days immediately before making the application; or
 - (B) whose application is combined, or sought to be combined, with an application made by that person:

First instalment		
Item	Component	Amount
1	Base application charge	\$325
2	Additional applicant charge for an applicant who is at least 18	\$165
3	Additional applicant charge for an applicant who is less than 18	\$80

- (iv) for an applicant who:
- (A) has been the holder of a Subclass 173 (Contributory Parent (Temporary)) visa; and
 - (B) provides the Minister with evidence that compassionate and compelling circumstances exist for the person to be considered to be the holder of a Subclass 173 (Contributory Parent (Temporary)) visa for the purpose of the application;
- or whose application is combined, or sought to be combined, with an application made by that person:

First instalment		
Item	Component	Amount
1	Base application charge	\$2 370
2	Additional applicant charge for an applicant who is at least 18	\$1 185
3	Additional applicant charge for an applicant who is less than 18	\$595

(v) for an applicant who:

(A) made a valid application for a Parent (Migrant) (Class AX) visa before 27 June 2003; and

(B) withdrew that application at the same time as making the application for the Contributory Parent (Migrant) (Class CA) visa;

or whose application is combined, or sought to be combined, with an application made by that person, the amount is nil; and

(vi) for any other applicant:

First instalment		
Item	Component	Amount
1	Base application charge	\$3 520
2	Additional applicant charge for an applicant who is at least 18	\$1 185
3	Additional applicant charge for an applicant who is less than 18	\$595

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(b) second instalment (payable before grant of visa):

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Second instalment		
Item	Applicant	Amount
1	Applicant who was the holder of a Subclass 173 (Contributory Parent (Temporary)) visa at the time of application	\$19 420
2	Applicant who: (a) held a Subclass 173 (Contributory Parent (Temporary)) visa; and (b) was the holder of a substituted Subclass 600 visa at the time of application; and (c) is not described in item 3	\$19 420
3	Applicant who: (a) held a Subclass 173 (Contributory Parent (Temporary)) visa; and (b) was, at the time of application, the holder of a substituted Subclass 600 visa or the child or step-child of an applicant mentioned in item 2; and (c) is the child or step-child of an applicant for a Contributory Parent (Migrant) (Class CA) visa, and was less than 18 at the time of application for a Contributory Parent (Temporary) (Class UT) visa	Nil
4	Applicant who: (a) was the holder of a Subclass 173 (Contributory Parent (Temporary)) visa at the time of application; and (b) is the child or step-child of an applicant for a Contributory Parent (Migrant) (Class CA) visa; and (c) was less than 18 at the time of application for a Contributory Parent (Temporary) (Class UT) visa	Nil
5	Applicant who has held a Subclass 173 (Contributory Parent (Temporary)) visa at any time in the 28 days immediately before making the application	\$19 420
6	Applicant: (a) who has held a Subclass 173 (Contributory Parent (Temporary)) visa; and (b) in relation to whom the Minister is satisfied that compassionate and compelling circumstances exist for the person to be considered to be the holder of a Subclass 173 (Contributory Parent (Temporary)) visa at the time of application	\$17 575

Second instalment		
Item	Applicant	Amount
7	An applicant who: (a) is a dependent child of an applicant for a Contributory Parent (Migrant) (Class CA) visa; and (b) was less than 18 at the time of application	\$2 095
8	Any other applicant	\$43 600

(3) Other:

- (a) If the applicant is in Australia, and is:
 - (i) the holder of a Subclass 173 (Contributory Parent (Temporary)) visa; or
 - (ii) the holder of a substituted Subclass 600 visa;
the application must be made in Australia but not in immigration clearance.
- (b) For an applicant other than an applicant mentioned in paragraph (a), the application must be made by:
 - (i) posting the application (with the correct pre-paid postage) to the post office box address specified by the Minister in an instrument for this subparagraph; or
 - (ii) having the application delivered by a courier to the address specified by the Minister in an instrument for this subparagraph.
- (c) If the applicant (the **relevant applicant**) makes his or her application on the basis of claiming to be a member of the family unit of a person who is an applicant for a Contributory Parent (Migrant) (Class CA) visa (the **other applicant**), the relevant applicant's application:
 - (i) must be made in the same way as the application made by the other applicant; and
 - (ii) may be made at the same time and place as, and combined with, the application made by the other applicant.
- (d) If the applicant has previously made a valid application for another parent visa:
 - (i) a decision to grant or refuse to grant that visa has been made; or

- (ii) the application for that visa has been withdrawn.
- (4) Subclasses:
 - 143 (Contributory Parent)
- (5) In this item, a reference to an applicant who is the holder of a Subclass 173 (Contributory Parent (Temporary)) visa, means a person who, as the case may be:
 - (a) currently holds a Subclass 173 (Contributory Parent (Temporary)) visa; or
 - (b) has held a Subclass 173 (Contributory Parent (Temporary)) visa at any time in the 28 days immediately before making the application; or
 - (c) has held a Subclass 173 (Contributory Parent (Temporary)) visa, and who provides the Minister with evidence that compassionate and compelling circumstances exist for the person to be considered to be the holder of a Subclass 173 (Contributory Parent (Temporary)) visa for the purpose of the application.

1130A. Contributory Aged Parent (Residence) (Class DG)

- (1) Form:
 - (a) If the applicant is the holder of a Subclass 884 (Contributory Aged Parent (Temporary)) visa: 47PT
 - (b) In any other case: 47PA.
- (2) Visa application charge:
 - (a) first instalment (payable at the time the application is made):
 - (i) for an applicant who:
 - (A) made a valid application for an Aged Parent (Residence) (Class BP) visa before 1 July 2003; and
 - (B) withdrew that application at the same time as making the application for the Contributory Aged Parent (Residence) (Class DG) visa;
 - or whose application is combined, or sought to be combined, with an application made by that person, the amount is nil; and

- (ii) for an applicant:
- (A) who is the holder of a Subclass 884 (Contributory Aged Parent (Temporary)) visa at the time of application; or
 - (B) whose application is combined, or sought to be combined, with an application made by that person:

First instalment		
Item	Component	Amount
1	Base application charge	\$325
2	Additional applicant charge for an applicant who is at least 18	\$165
3	Additional applicant charge for an applicant who is less than 18	\$80

- (iii) for an applicant who:
- (A) held a Subclass 884 (Contributory Aged Parent (Temporary)) visa; and
 - (B) is the holder of a substituted Subclass 600 visa at the time of application;
- or whose application is combined, or sought to be combined, with an application made by that person:

First instalment		
Item	Component	Amount
1	Base application charge	\$325
2	Additional applicant charge for an applicant who is at least 18	\$165
3	Additional applicant charge for an applicant who is less than 18	\$80

- (iv) for an applicant:
- (A) who has held a Subclass 884 (Contributory Aged Parent (Temporary)) visa at any time in the 28 days immediately before making the application; or

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(B) whose application is combined, or sought to be combined, with an application made by that person:

First instalment		
Item	Component	Amount
1	Base application charge	\$325
2	Additional applicant charge for an applicant who is at least 18	\$165
3	Additional applicant charge for an applicant who is less than 18	\$80

(v) for an applicant who:

(A) held a Subclass 884 (Contributory Aged Parent (Temporary)) visa, and

(B) provides the Minister with evidence that compassionate and compelling circumstances exist for the person to be considered to be the holder of a Subclass 884 (Contributory Aged Parent (Temporary)) visa for the purpose of the application;

or whose application is combined, or sought to be combined, with an application made by that person:

First instalment		
Item	Component	Amount
1	Base application charge	\$3 520
2	Additional applicant charge for an applicant who is at least 18	\$1 760
3	Additional applicant charge for an applicant who is less than 18	\$880

(vi) for any other applicant:

First instalment		
Item	Component	Amount
1	Base application charge	\$3 520
2	Additional applicant charge for an applicant who is at least 18	\$1 760

First instalment		
Item	Component	Amount
3	Additional applicant charge for an applicant who is less than 18	\$880

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(b) second instalment (payable before grant of visa):

Second instalment		
Item	Applicant	Amount
1	Applicant who was the holder of a Subclass 884 (Contributory Aged Parent (Temporary)) visa at the time of application	\$19 420
2	Applicant who: (a) held a Subclass 884 (Contributory Aged Parent (Temporary)) visa; and (b) was the holder of a substituted Subclass 600 visa at the time of application; and (c) is not described in item 3	\$19 420
3	Applicant who: (a) held a Subclass 884 (Contributory Aged Parent (Temporary)) visa; and (b) was, at the time of application, the holder of a substituted Subclass 600 visa or the child or step-child of an applicant mentioned in item 2; and (c) is the child or step-child of an applicant for a Contributory Parent (Migrant) (Class CA) visa, and was less than 18 at the time of application for a Contributory Aged Parent (Temporary) (Class UU) visa	Nil

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Second instalment		
Item	Applicant	Amount
4	Applicant who: (a) was the holder of a Subclass 884 (Contributory Aged Parent (Temporary)) visa at the time of application; and (b) is the child or step-child of an applicant for a Contributory Aged Parent (Residence) (Class DG) visa; and (c) was less than 18 at the time of application for a Contributory Aged Parent (Temporary) (Class UU) visa	Nil
5	Applicant who has held a Subclass 884 (Contributory Aged Parent (Temporary)) visa at any time in the 28 days immediately before making the application	\$19 420
6	Applicant: (a) who has held a Subclass 884 (Contributory Aged Parent (Temporary)) visa; and (b) in relation to whom the Minister is satisfied that compassionate and compelling circumstances exist for the person to be considered to be the holder of a Subclass 884 (Contributory Aged Parent (Temporary)) visa at the time of application	\$16 545
7	An applicant who: (a) is a dependent child of an applicant for a Contributory Aged Parent (Residence) (Class DG) visa; and (b) was less than 18 at the time of application	\$2 095
8	Any other applicant	\$43 600

(3) Other:

- (a) Application must be made in Australia but not in immigration clearance.
- (b) Applicant must be in Australia but not in immigration clearance.
- (ba) An application must be made:
 - (i) by posting the application (with the correct pre-paid postage) to the post office box address or other address specified by the Minister in an instrument in writing for this subparagraph; or

- (ii) by having the application delivered by a courier service to the address specified by the Minister in an instrument in writing for this subparagraph; or
 - (iii) if no address has been specified for subparagraphs (i) and (ii)—by lodging the application at an office of Immigration.
 - (c) If the applicant has previously made a valid application for another parent visa:
 - (i) a decision to grant or to refuse to grant that visa has been made; or
 - (ii) the application for that visa has been withdrawn.
 - (d) Application by a person claiming to be a member of the family unit of a person who is an applicant for a Contributory Aged Parent (Residence) (Class DG) visa may be made at the same time and place as, and combined with, the application by that person.
- (4) Subclasses:
864 (Contributory Aged Parent)
- (5) In this item, a reference to an applicant who is the holder of a Subclass 884 (Contributory Aged Parent (Temporary)) visa, means a person who, as the case may be:
- (a) currently holds a Subclass 884 (Contributory Aged Parent (Temporary)) visa; or
 - (b) has held a Subclass 884 (Contributory Aged Parent (Temporary)) visa at any time in the 28 days immediately before making the application; or
 - (c) has held a Subclass 884 (Contributory Aged Parent (Temporary)) visa, and who provides the Minister with evidence that compassionate and compelling circumstances exist for the person to be considered to be the holder of a Subclass 884 (Contributory Aged Parent (Temporary)) visa for the purpose of the application.

1131. Territorial Asylum (Residence) (Class BE)

- (1) Form: Nil.
 - (2) Visa application charge: Nil.
-

(3) Other:

- (a) Application must be made by or on behalf of the applicant in a manner approved by a Minister.
- (aa) At the time when the application is made, there is lodged at the office of Immigration at which, or with the officer of Immigration to whom, the application is made, documentation that:
 - (i) evidences the grant by a Minister to the applicant of territorial asylum in Australia; and
 - (ii) was issued by or on behalf of the Commonwealth.
- (b) Application must be made in Australia.
- (c) Applicant must be in Australia but not in immigration clearance.
- (d) Application by a person claiming to be a member of the family unit of a person who is an applicant for a Territorial Asylum (Residence) (Class BE) visa may be made at the same time and place as, and combined with, the application by that person.

(4) Subclasses:

800 (Territorial Asylum)

1133. Witness Protection (Trafficking) (Permanent) (Class DH)

- (1) Form: Nil.
- (2) Visa application charge: Nil.
- (3) Subclasses:

852 (Witness Protection (Trafficking) (Permanent))

Note: See regulation 2.07AK for how an application for a Witness Protection (Trafficking) (Permanent) (Class DH) visa is taken to have been validly made.

1136. Skilled (Residence) (Class VB)

- (1) Form: 1276 (Internet).
- (2) Visa application charge:
 - (a) first instalment (payable at the time the application is made):

- (i) for an applicant who is the holder of:
- (A) a Skilled—Independent Regional (Provisional) (Class UX) visa; or
 - (B) a Skilled—Designated Area-sponsored (Provisional) (Class UZ) visa; or
 - (C) a Subclass 475 (Skilled—Regional Sponsored) visa; or
 - (D) a Subclass 487 (Skilled—Regional Sponsored) visa; or
 - (E) a Skilled—Regional Sponsored (Provisional) (Class SP) visa; or
 - (F) a Bridging A (Class WA) or Bridging B (Class WB) visa granted on the basis of a valid application for a Skilled—Independent Regional (Class UX) visa; or
 - (G) a Bridging A (Class WA) or Bridging B (Class WB) visa granted on the basis of a valid application for a Skilled (Provisional) (Class VC) visa (other than a Subclass 485 (Temporary Graduate) visa); or
 - (H) a Bridging A (Class WA) or Bridging B (Class WB) visa granted on the basis of a valid application for a Skilled—Regional Sponsored (Provisional) (Class SP) visa;
- or whose application is combined, or sought to be combined, with an application made by that person:

First instalment		
Item	Component	Amount
1	Base application charge	\$370
2	Additional applicant charge for an applicant who is at least 18	\$185
3	Additional applicant charge for an applicant who is less than 18	\$95

- (ii) for any other applicant:

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Item	Component	Amount
1	Base application charge	\$3 520
2	Additional applicant charge for an applicant who is at least 18	\$1 760
3	Additional applicant charge for an applicant who is less than 18	\$880

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(b) second instalment (payable before grant of visa):

Second instalment

Item	Applicant	Amount
1	Applicant who: (a) was at least 18 at the time of application; and (b) is assessed as not having functional English; and (c) has not paid a second instalment of visa application charge in relation to the application for the visa, mentioned in paragraph (2)(a), that the applicant holds	\$4 890
2	Any other applicant	Nil

(3) Other:

(aa) An application by a person seeking to satisfy the primary criteria for the grant of a Subclass 885 (Skilled—Independent) visa or a Subclass 886 (Skilled—Sponsored) visa must be made before 1 January 2013.

(a) An application must be made as an Internet application.

Note: An Internet application is taken to have been made at the time, identified using Australian Eastern Standard Time or Australian Eastern Standard Time incorporating Daylight Saving Time in the Australian Capital Territory, that corresponds to the time at which the Internet application is made: see regulation 2.10C.

(b) Applicant must be in Australia but not in immigration clearance.

- (c) Application by a person claiming to be a member of the family unit of a person who seeks to satisfy the primary criteria may be made at the same time and place as, and combined with, an application by that person.
- (7) The following requirements must be met:
- (a) the applicant must be the holder of:
- (i) a Skilled—Independent Regional (Provisional) (Class UX) visa; or
 - (ii) a Skilled—Designated Area-sponsored (Provisional) (Class UZ) visa; or
 - (iii) a Subclass 475 (Skilled—Regional Sponsored) visa; or
 - (iv) a Subclass 487 (Skilled—Regional Sponsored) visa; or
 - (v) a Skilled—Regional Sponsored (Provisional) (Class SP) visa; or
 - (vi) a Bridging A (Class WA) or Bridging B (Class WB) visa granted on the basis of a valid application for:
 - (A) a Skilled—Independent Regional (Provisional) (Class UX) visa; or
 - (B) a Skilled (Provisional) (Class VC) visa (other than a Subclass 485 (Temporary Graduate) visa); or
 - (C) a Skilled—Regional Sponsored (Provisional) (Class SP) visa;
- (b) the applicant seeking to satisfy the primary criteria for the grant of the visa must have been, for a total of at least 2 years before the day on which the application was made, the holder of 1 of the following visas:
- (i) a Skilled—Independent Regional (Provisional) (Class UX) visa;
 - (ii) a Skilled—Designated Area-sponsored (Provisional) (Class UZ) visa;
 - (iii) a Subclass 475 (Skilled—Regional Sponsored) visa;
 - (iv) a Subclass 487 (Skilled—Regional Sponsored) visa;
 - (v) a Skilled—Regional Sponsored (Provisional) (Class SP) visa;
- that was granted on the basis of satisfying the primary criteria for the grant of that visa, or of being the spouse
-

or de facto partner of the applicant who satisfied the primary criteria for the grant of the visa.

(8) Subclass:

Subclass 887 (Skilled—Regional)

1137. Skilled—Independent (Permanent) (Class SI)

(1) Form: 1393 (Internet)

(2) Visa application charge:

(a) first instalment (payable at the time the application is made):

First instalment		
Item	Component	Amount
1	Base application charge	\$3 520
2	Additional applicant charge for an applicant who is at least 18	\$1 760
3	Additional applicant charge for an applicant who is less than 18	\$880

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(b) second instalment (payable before grant of visa):

Second instalment		
Item	Applicant	Amount
1	Applicant who: (a) was at least 18 at the time of application; and (b) is assessed as not having functional English	\$4 885
2	Any other applicant	Nil

(3) Other:

(a) An application must be made as an Internet application.

Note: An Internet application is taken to have been made at the time, identified using Australian Eastern Standard Time or Australian

Eastern Standard Time incorporating Daylight Saving Time in the Australian Capital Territory, that corresponds to the time at which the Internet application is made: see regulation 2.10C.

- (b) An applicant may be in or outside Australia, but not in immigration clearance.
 - (c) An applicant in Australia must hold:
 - (i) a substantive visa; or
 - (ii) a Subclass 010 Bridging A visa; or
 - (iii) a Subclass 020 Bridging B visa; or
 - (iv) a Subclass 030 Bridging C visa.
 - (d) An application by a person claiming to be a member of the family unit of a person who is an applicant for a Skilled—Independent (Permanent) (Class SI) visa may be made at the same time as, and combined with, the application by that person.
- (4) An applicant seeking to satisfy the primary criteria must meet the requirements in the table.

Item	Requirements
1	The applicant must have been invited, in writing, by the Minister to apply for a Subclass 189 (Skilled—Independent) visa
2	The applicant must apply for that visa within the period stated in the invitation
3	The applicant must not have turned 50 at the time of invitation to apply for the visa
4	The applicant must nominate a skilled occupation: <ul style="list-style-type: none">(a) that is specified by the Minister in an instrument in writing for this item as a skilled occupation at the time of invitation to apply for the visa; and(b) that is specified in the invitation as the skilled occupation which the applicant may nominate; and(c) for which the applicant declares in the application that the applicant's skills have been assessed as suitable by the relevant assessing authority and that the assessment is not for a Subclass 485 (Temporary Graduate) visa

- (5) Subclasses:
Subclass 189 (Skilled—Independent)

1138. Skilled—Nominated (Permanent) (Class SN)

- (1) Form: 1393 (Internet)
- (2) Visa application charge:
- (a) first instalment (payable at the time the application is made):

First instalment		
Item	Component	Amount
1	Base application charge	\$3 520
2	Additional applicant charge for an applicant who is at least 18	\$1 760
3	Additional applicant charge for an applicant who is less than 18	\$880

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

- (b) second instalment (payable before grant of visa):

Second instalment		
Item	Applicant	Amount
1	Applicant who: (a) was at least 18 at the time of application; and (b) is assessed as not having functional English	\$4 885
2	Any other applicant	Nil

- (3) Other:
- (a) An application must be made as an Internet application.

Note: An Internet application is taken to have been made at the time, identified using Australian Eastern Standard Time or Australian Eastern Standard Time incorporating Daylight Saving Time in the Australian Capital Territory, that corresponds to the time at which the Internet application is made: see regulation 2.10C.

- (b) An applicant may be in or outside Australia, but not in immigration clearance.
-

- (c) An applicant in Australia must hold:
- (i) a substantive visa; or
 - (ii) a Subclass 010 Bridging A visa; or
 - (iii) a Subclass 020 Bridging B visa; or
 - (iv) a Subclass 030 Bridging C visa.
- (d) An application by a person claiming to be a member of the family unit of a person who is an applicant for a Skilled—Nominated (Permanent) (Class SN) visa may be made at the same time as, and combined with, the application by that person.
- (4) An applicant seeking to satisfy the primary criteria must meet the requirements in the table.

Item	Requirements
1	The applicant must have been invited, in writing, by the Minister to apply for a Subclass 190 (Skilled—Nominated) visa
2	The applicant must apply for that visa within the period stated in the invitation
3	The applicant must not have turned 50 at the time of invitation to apply for the visa
4	The applicant must nominate a skilled occupation: <ul style="list-style-type: none">(a) that is specified by the Minister in an instrument in writing for this item as a skilled occupation at the time of invitation to apply for the visa; and(b) that is specified in the invitation as the skilled occupation which the applicant may nominate; and(c) for which the applicant declares in the application that the applicant's skills have been assessed as suitable by the relevant assessing authority and that the assessment is not for a Subclass 485 (Temporary Graduate) visa
5	The applicant must be nominated by a State or Territory government agency

- (5) Subclasses:
- Subclass 190 (Skilled—Nominated)

Part 2—Temporary visas (other than bridging visas)

Note: Arrangements that affect certain visas mentioned in this Part can be found in regulation 2.12BC.

1201. Border (Temporary) (Class TA)

- (1) Form: 871.
- (2) Visa application charge: Nil.
- (3) Other:
 - (a) In the case of an application by a non-citizen who:
 - (i) is a dependent child of a non-citizen; and
 - (ii) is the holder of a Subclass 773 visa:
 - (A) application may be made in Australia; and
 - (B) applicant must be in Australia.
 - (b) In any other case:
 - (i) Application must be made in immigration clearance.
 - (ii) Applicant must be in immigration clearance.
 - (c) Application by a person claiming to be a member of the family unit of a person who is an applicant for a Border (Temporary) (Class TA) visa may be made at the same time and place as, and combined with, the application by that person.
- (4) Subclasses:
 - 773 (Border)

1202A. Business Skills (Provisional) (Class UR)

- (1) Forms:
 - (a) 47BT and:
 - (i) 1136; or
 - (ii) 1137; or
 - (iii) 1139; and

(b) For applicant seeking to satisfy the primary criteria for the grant of:

- (i) a Subclass 163 (State/Territory Sponsored Business Owner (Provisional)) visa; or
- (ii) a Subclass 164 (State/Territory Sponsored Senior Executive (Provisional)) visa; or
- (iii) a Subclass 165 (State/Territory Sponsored Investor (Provisional)) visa:

949.

(2) Visa application charge:

(a) first instalment (payable at the time the application is made):

First instalment		
Item	Component	Amount
1	Base application charge	\$4 675
2	Additional applicant charge for an applicant who is at least 18	\$2 340
3	Additional applicant charge for an applicant who is less than 18	\$1 170

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(b) second instalment (payable before grant of visa):

Second instalment		
Item	Applicant	Amount
1	Applicant who: (a) was at least 18 at the time of application; and (b) is assessed as not having functional English; and (c) satisfies the primary criteria for the grant of a visa of a subclass included in Business Skills (Provisional) (Class UR)	\$9 795

Schedule 1 Classes of visa**Part 2** Temporary visas (other than bridging visas)

Second instalment		
Item	Applicant	Amount
2	Applicant who: (a) was at least 18 at the time of application; and (b) is assessed as not having functional English; and (c) satisfies the secondary criteria for the grant of a visa of a subclass included in Business Skills (Provisional) (Class UR)	\$4 890
3	Any other applicant	Nil

(3) Other:

- (aa) Application by a person seeking to satisfy the primary criteria must be made before 1 July 2012.
- (a) Application must be made:
 - (i) if the applicant's residential address, given using form 47BT, is in Taiwan or PRC, including Hong Kong or Macau—at the address specified by the Minister, in an instrument in writing, for this subparagraph; or
 - (iii) in any other case—at the address specified by the Minister, in an instrument in writing, for this subparagraph.
- (b) Applicant may be in or outside Australia, but not in immigration clearance.
- (c) Application by a person claiming to be a member of the family unit of a person who is an applicant for a Business Skills (Provisional) (Class UR) visa may be made at the same time and place as, and combined with, the application by that person.
- (d) For applicant seeking to satisfy the primary criteria for the grant of a Subclass 163 (State/Territory Sponsored Business Owner (Provisional)), 164 (State/Territory Sponsored Senior Executive (Provisional)) or 165 (State/ Territory Sponsored Investor (Provisional)) visa:
 - (i) applicant must be sponsored by an appropriate regional authority; and
 - (ii) form 949 must be signed by an officer of the authority who is authorised to sign a sponsorship of that kind.

(4) Subclasses:

- 160 (Business Owner (Provisional))
- 161 (Senior Executive (Provisional))
- 162 (Investor (Provisional))
- 163 (State/Territory Sponsored Business Owner (Provisional))
- 164 (State/Territory Sponsored Senior Executive (Provisional))
- 165 (State/Territory Sponsored Investor (Provisional))

1202B. Business Skills (Provisional) (Class EB)

- (1) Form: 1397 (Internet)
- (2) Visa application charge:
 - (a) first instalment (payable at the time the application is made):
 - (i) for an applicant:
 - (A) seeking to satisfy the primary criteria for the grant of a Subclass 188 (Business Innovation and Investment (Provisional)) visa in the Business Innovation Extension stream or the Significant Investor Extension stream; or
 - (B) whose application is combined, or sought to be combined, with an application made by that person:

First instalment		
Item	Component	Amount
1	Base application charge	\$575
2	Additional applicant charge for an applicant who is at least 18	\$290
3	Additional applicant charge for an applicant who is less than 18	\$145

- (ii) for any other applicant:

First instalment		
Item	Component	Amount
1	Base application charge	\$4 675

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Item	Component	Amount
2	Additional applicant charge for an applicant who is at least 18	\$2 340
3	Additional applicant charge for an applicant who is less than 18	\$1 170

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(b) second instalment (payable before grant of visa):

Second instalment

Item	Applicant	Amount
1	Applicant who: (a) was at least 18 at the time of application; and (b) is assessed as not having functional English; and (c) satisfies the primary criteria for the grant of a Subclass 188 (Business Innovation and Investment (Provisional)) visa; and (d) has not paid a second instalment of the visa application charge in relation to an application for a Subclass 188 (Business Innovation and Investment (Provisional)) visa	\$9 795
2	Applicant who: (a) was at least 18 at the time of application; and (b) is assessed as not having functional English; and (c) satisfies the secondary criteria for the grant of a Subclass 188 (Business Innovation and Investment (Provisional)) visa; and (d) has not paid a second instalment of the visa application charge in relation to an application for a Subclass 188 (Business Innovation and Investment (Provisional)) visa	\$4 890
3	Any other applicant	Nil

(3) Other:

(a) An application must be made as an Internet application.

Note: An Internet application is taken to have been made at the time, identified using Australian Eastern Standard Time or Australian

Eastern Standard Time incorporating Daylight Saving Time in the Australian Capital Territory, that corresponds to the time at which the Internet application is made: see regulation 2.10C.

- (b) An applicant may be in or outside Australia, but not in immigration clearance.
 - (c) An applicant in Australia must hold:
 - (i) a substantive visa; or
 - (ii) a Subclass 010 Bridging A visa; or
 - (iii) a Subclass 020 Bridging B visa; or
 - (iv) a Subclass 030 Bridging C visa.
 - (d) An application by a person claiming to be a member of the family unit of a person who is an applicant for a Business Skills (Provisional) (Class EB) visa may be made at the same time as, and combined with, the application by that person.
- (4) An applicant seeking to satisfy the primary criteria for a Subclass 188 (Business Innovation and Investment (Provisional)) visa in the Business Innovation stream must meet the requirements in the table.

Item	Requirements
1	The applicant must have been invited, in writing, by the Minister to apply for a Subclass 188 (Business Innovation and Investment (Provisional)) visa in the Business Innovation stream
2	The applicant must apply for that visa within the period stated in the invitation
3	The applicant must be nominated by a State or Territory government agency

Note: The invitation to apply for the visa will identify the stream to which the invitation relates.

- (5) An applicant seeking to satisfy the primary criteria for a Subclass 188 (Business Innovation and Investment (Provisional)) visa in the Business Innovation Extension stream must meet the requirements in the table.

Item	Requirements
1	The applicant must hold a Subclass 188 (Business Innovation and Investment (Provisional)) visa in the Business Innovation stream

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Item	Requirements
2	The applicant must have held the Subclass 188 (Business Innovation and Investment (Provisional)) visa for at least 3 years
3	The applicant must not have held more than one Subclass 188 (Business Innovation and Investment (Provisional)) visa
4	The applicant must be nominated by a State or Territory government agency

- (6) An applicant seeking to satisfy the primary criteria for a Subclass 188 visa in the Investor stream must meet the requirements in the table.

Item	Requirements
1	The applicant must have been invited, in writing, by the Minister to apply for a Subclass 188 (Business Innovation and Investment (Provisional)) visa in the Investor stream
2	The applicant must apply for that visa within the period stated in the invitation
3	The applicant must be nominated by a State or Territory government agency

Note: The invitation to apply for the visa will identify the stream to which the invitation relates.

- (6A) An applicant seeking to satisfy the primary criteria for a Subclass 188 visa in the Significant Investor stream must meet the requirements in the table.

Item	Requirements
1	The applicant must have been invited, in writing, by the Minister to apply for a Subclass 188 (Business Innovation and Investment (Provisional)) visa in the Significant Investor stream
2	The applicant must apply for that visa within the period stated in the invitation
3	The applicant must be nominated by a State or Territory government agency

Note: The invitation to apply for the visa will identify the stream to which the invitation relates.

- (6B) An applicant seeking to satisfy the primary criteria for a Subclass 188 visa in the Significant Investor Extension stream must meet the requirements in the table.

Item	Requirements
1	The applicant must be nominated by a State or Territory government agency
2	Either: (a) the applicant (i) holds a Subclass 188 (Business Innovation and Investment (Provisional)) visa in the Significant Investor stream; and (ii) has held that visa for at least 3 years; or (b) at the time of application, the applicant: (i) holds a Subclass 188 (Business Innovation and Investment (Provisional)) visa in the Significant Investor Extension stream; and (ii) has not held more than one Subclass 188 (Business Innovation and Investment (Provisional)) visa in the Significant Investor Extension stream

- (7) Subclasses:
Subclass 188 (Business Innovation and Investment (Provisional))

1205. Special Program (Temporary) (Class TE)

- (1) Form: 1416
(2) Visa application charge:
(a) first instalment (payable at the time the application is made):

First instalment		
Item	Component	Amount
1	Base application charge	\$365
2	Additional applicant charge for an applicant who is at least 18	\$365
3	Additional applicant charge for an applicant who is less than 18	\$90

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Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(b) the second instalment (payable before grant of visa) is nil.

(3) Other:

(a) An application must be made by:

- (i) posting the application (with the correct pre-paid postage) to the post office box address specified by the Minister in an instrument in writing for this subparagraph; or
- (ii) having the application delivered by courier service, or otherwise by hand, to the address specified by the Minister in an instrument in writing for this subparagraph; or
- (iii) faxing the application to the fax number specified by the Minister in an instrument in writing for this subparagraph.

(b) An applicant seeking to satisfy the criterion for the grant of a Subclass 416 (Special Program) visa specified in paragraph 416.222(d) of Schedule 2 must be outside Australia.

(c) An applicant not mentioned in paragraph (b) may be in or outside Australia, but not in immigration clearance.

(d) An applicant seeking to satisfy the primary criteria must:

- (i) specify, in the application, the person who proposes to be the special program sponsor in relation to the applicant; and
- (ii) provide evidence that the person is a special program sponsor, or is a person who has applied for approval as a special program sponsor but whose application has not yet been decided.

(e) An application by a person claiming to be a member of the family unit of a person who is an applicant for a Special

Program (Temporary) (Class TE) visa may be made at the same time and place as, and combined with, an application by that person or any other member of the family unit who claims to be a member of the family unit of the primary applicant.

- (4) Subclasses:
Subclass 416 (Special Program)

1206. Diplomatic (Temporary) (Class TF)

- (1) Form: Nil.
- (2) Visa application charge: Nil.
- (3) Other:
- (a) Application must be made by or on behalf of the applicant in a manner approved by the Minister.
 - (b) Application may be made in or outside Australia, but not in immigration clearance.
 - (c) Applicant must be in Australia to make an application in Australia.
- (4) Subclasses:
995 (Diplomatic (Temporary))

1208A Electronic Travel Authority (Class UD)

- (1) Form: nil.
- Note: An application for this visa must be made in a way set out in regulation 2.07AB.
- (2) Visa application charge:
- (a) the base application charge (payable at the time the application is made) is nil; and
 - (b) the second instalment (payable before grant of visa) is nil.
- (3) Other:
- (a) An application may be made in or outside Australia.

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- (b) If an application is made in immigration clearance, the applicant must be in immigration clearance.
 - (c) If an application is made in Australia (except in immigration clearance), or outside Australia, the applicant must be outside Australia.
 - (d) An application made outside Australia must be made at:
 - (i) a diplomatic, consular or migration office maintained by or on behalf of the Commonwealth outside Australia; or
 - (ii) an office of an agent who is approved in writing by the Minister as an agent with whom an application for an Electronic Travel Authority (Class UD) visa may be made.
 - (e) An application made in Australia must be made:
 - (i) in immigration clearance; or
 - (ii) at an office of an agent who is approved in writing by the Minister as an agent with whom an application for an Electronic Travel Authority (Class UD) visa may be made.
 - (f) An applicant must hold an ETA-eligible passport.
- (4) Subclasses:
- Subclass 601 (Electronic Travel Authority)

1211. Extended Eligibility (Temporary) (Class TK)

- (1) Form: 918.
- (2) Visa application charge:
 - (a) first instalment (payable at the time the application is made):

First instalment		
Item	Component	Amount
1	Base application charge	\$2 370
2	Additional applicant charge for an applicant who is at least 18	\$1 185
3	Additional applicant charge for an applicant who is less than 18	\$595

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(b) the second instalment (payable before grant of visa) is nil.

(3) Other:

- (a) Application by the dependent child of a holder of a visa of Subclass 309, 310, 445, 820 or 826 may be made in or outside Australia, but not in immigration clearance.
- (aa) Applicant must be in Australia to make an application in Australia.
- (ab) Application by an applicant in Australia must be made by:
 - (i) posting the application (with the correct pre-paid postage) to the post office box address specified in a legislative instrument made by the Minister for this subparagraph; or
 - (ii) having the application delivered by a courier service to the address specified in a legislative instrument made by the Minister for this subparagraph.

Note: Regulation 2.12BC sets out special arrangements for the making of applications by persons designated under regulation 2.07AO. The arrangements in paragraph 1211(3)(ab) do not apply to those persons.

- (b) Application by a person claiming to be a dependent child of a person who is an applicant for an Extended Eligibility (Temporary) (Class TK) visa may be made at the same time and place as, and combined with, the application by that person.

(4) Subclasses:

445 (Dependent Child)

1212B. Investor Retirement (Class UY)

- (1) Form: 1383.
- (2) Visa application charge:

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(a) first instalment (payable at the time the application is made):

First instalment		
Item	Component	Amount
1	Base application charge	\$325
2	Additional applicant charge for an applicant who is at least 18	\$165
3	Additional applicant charge for an applicant who is less than 18	\$80

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(b) the second instalment (payable before grant of visa) is \$12 990.

(3) Other:

(a) Application must be made by:

- (i) posting the application (with the correct pre-paid postage) to the post office box address specified in an instrument in writing for this subparagraph; or
- (ii) having the application delivered by a courier service, or otherwise hand-delivered, to the address specified in an instrument in writing for this subparagraph.

(b) Applicant may be in or outside Australia, but not in immigration clearance.

(c) Application by a person claiming to be the spouse or de facto partner of a person who is an applicant for an Investor Retirement (Class UY) visa may be made at the same time and place as, and combined with, the application by that person.

(d) Applicant seeking to satisfy the primary criteria for the grant of a Subclass 405 visa must:

- (i) be sponsored by an appropriate regional authority; and

- (ii) provide, with the application, form 1249 signed by an officer of the authority who is authorised to sign a sponsorship of that kind; and
- (iii) be at least 55 years old, unless:
 - (A) the applicant is the holder of an Investor Retirement (Class UY) visa; or
 - (B) the last substantive visa held by the applicant since last entering Australia was an Investor Retirement (Class UY) visa.

Note: For *appropriate regional authority*, see regulation 1.03.

- (4) Subclasses:
 - 405 (Investor Retirement)

1214A Medical Treatment (Visitor) (Class UB)

- (1) Form: 48ME.
- (2) Visa application charge:
 - (a) first instalment (payable at the time the application is made):
 - (i) for an applicant who:
 - (A) is in Australia at the time of application; and
 - (B) does not apply in the course of acting as a representative for a foreign government;
 - or whose application is combined, or sought to be combined, with an application made by that person:

First instalment		
Item	Component	Amount
1	Base application charge	\$280
2	Additional applicant charge for an applicant who is at least 18	\$140
3	Additional applicant charge for an applicant who is less than 18	\$70

- (ii) for any other applicant, the amount is nil.

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and

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non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(b) the second instalment (payable before grant of visa) is nil.

(3) Other:

(a) An application by an applicant who is in Australia must be made by:

- (i) posting the application (with the correct pre-paid postage) to the post office box address specified by the Minister in an instrument in writing for this subparagraph; or
- (ii) having the application delivered by a courier service, or otherwise hand-delivered, to the address specified by the Minister in an instrument in writing for this subparagraph; or
- (iii) faxing the application to the fax number specified by the Minister in an instrument in writing for this subparagraph.

(b) An application by an applicant who is outside Australia must be made at a diplomatic, consular or migration office maintained by or on behalf of the Commonwealth outside Australia.

(c) An applicant may be in or outside Australia, but not in immigration clearance.

(d) An application by a person included in the passport of another person may be made at the same time and place as, and combined with, the application by that person.

(4) Subclasses:

Subclass 602 (Medical Treatment)

**1214BA. New Zealand Citizen Family Relationship (Temporary)
(Class UP)**

(1) Form: 147.

(2) Visa application charge:

(a) first instalment (payable at the time the application is made):

First instalment		
Item	Component	Amount
1	Base application charge	\$325
2	Additional applicant charge for an applicant who is at least 18	\$165
3	Additional applicant charge for an applicant who is less than 18	\$80

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(b) the second instalment (payable before grant of visa) is nil.

(3) Other:

- (a) Application may be made in or outside Australia (but not in immigration clearance).
- (b) Applicant must be in Australia to make an application in Australia.
- (c) Application by a person claiming to be a member of the family unit of a person who is an applicant for a New Zealand Citizen Family Relationship (Temporary) (Class UP) visa may be made at the same time and place as, and combined with, the application by that person.
- (d) An application that is made in Australia must be made:
 - (i) by posting the application (with the correct pre-paid postage) to the post office box address or other address specified by the Minister in an instrument in writing for this subparagraph; or
 - (ii) by having the application delivered by a courier service to the address specified by the Minister in an instrument in writing for this subparagraph; or
 - (iii) if no address has been specified for subparagraphs (i) and (ii)—by lodging the application at an office of Immigration.

(4) Subclasses:

461 New Zealand Citizen Family Relationship
(Temporary))

1214C. Partner (Temporary) (Class UK)

(1) Form: 47SP or 47SP (Internet).

(2) Visa application charge: Nil.

(3) Other:

- (a) Application must be made at the same time and place as an application for a Partner (Residence) (Class BS) visa.
- (b) Application must be made in Australia, but not in immigration clearance.
- (c) Applicant must be in Australia, but not in immigration clearance.
- (e) Application by a person claiming to be a member of the family unit of the holder or former holder of a prospective marriage (temporary) visa (as defined in clause 820.111 of Schedule 2) who is an applicant for a Partner (Temporary) visa may be made at the same time and place as, and combined with, the application by that person.
- (f) Application by a person claiming to be a dependent child of a person who is an applicant for a Partner (Temporary) (Class UK) visa may be made at the same time and place as, and combined with, the application by that person.
- (fa) An application (not being an Internet application) must be made:
 - (i) by posting the application (with the correct pre-paid postage) to the post office box address or other address specified by the Minister in an instrument in writing for this subparagraph; or
 - (ii) by having the application delivered by a courier service to the address specified by the Minister in an instrument in writing for this subparagraph; or
 - (iii) if no address has been specified for subparagraphs (i) and (ii)—by lodging the application at an office of Immigration.

(g) If:

(i) the applicant is the holder of:

- (A) a Skilled—Independent Regional (Provisional) (Class UX) visa; or
- (B) a Subclass 475 (Skilled—Regional Sponsored) visa; or
- (C) a Subclass 487 (Skilled—Regional Sponsored) visa; or
- (D) a Skilled—Regional Sponsored (Provisional) (Class SP) visa; or

(ii) the last substantive visa held by the applicant was:

- (A) a Skilled—Independent Regional (Provisional) (Class UX) visa; or
- (B) a Subclass 475 (Skilled—Regional Sponsored) visa; or
- (C) a Subclass 487 (Skilled—Regional Sponsored) visa; or
- (D) a Skilled—Regional Sponsored (Provisional) (Class SP) visa;

the applicant must have held that visa for at least 2 years.

(4) Subclasses:

820 (Partner)

1215. Prospective Marriage (Temporary) (Class TO)

(1) Form: 47SP or 47SP (Internet).

(2) Visa application charge:

(a) first instalment (payable at the time the application is made):

First instalment		
Item	Component	Amount
1	Base application charge	\$4 630
2	Additional applicant charge for an applicant who is at least 18	\$2 320
3	Additional applicant charge for an applicant who is less than 18	\$1 155

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Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(b) the second instalment (payable before grant of visa) is nil.

(3) Other:

(a) Application (not being an Internet application) must be made outside Australia.

(b) Applicant must be outside Australia.

(c) Application by a person claiming to be a member of the family unit of a person who is an applicant for a Prospective Marriage (Temporary) (Class TO) visa must be made at the same time and place as, and combined with, the application by that person.

(4) Subclasses:

300 (Prospective Marriage)

1216. Resident Return (Temporary) (Class TP)

(1) Form: 1085.

(2) Visa application charge:

(a) first instalment (payable at the time the application is made):

First instalment		
Item	Component	Amount
1	Base application charge	\$185
2	Additional applicant charge for an applicant who is at least 18	\$95
3	Additional applicant charge for an applicant who is less than 18	\$45

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(b) the second instalment (payable before grant of visa) is nil.

(3) Other:

- (a) Application must be made outside Australia.
- (b) Application by a person who is included in the passport of another applicant for a Resident Return (Temporary) (Class TP) visa may be made at the same time and place as, and combined with, the application by that other applicant.
- (c) Application by a person is not a valid application if:
 - (i) the most recent permanent visa held by the person is, or was, the subject of a notice, under subsection 135(1) of the Act, proposing cancellation; and
 - (ii) the person has not been notified of a decision not to proceed with the cancellation; and
 - (iii) the visa was not the subject of a decision to cancel the visa under section 134 of the Act.
- (d) Application by a person is not a valid application if:
 - (i) the most recent permanent visa held by the person was the subject of a decision to cancel the visa under section 134 of the Act (whether or not the decision has come into effect); and
 - (ii) the decision to cancel the visa has not been set aside by the AAT.

(4) Subclasses:

159 (Provisional Resident Return)

1217. Retirement (Temporary) (Class TQ)

- (1) Form: 1383.
- (2) Visa application charge:
 - (a) first instalment (payable at the time the application is made):

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First instalment		
Item	Component	Amount
1	Base application charge	\$365
2	Additional applicant charge for an applicant who is at least 18	\$185
3	Additional applicant charge for an applicant who is less than 18	\$90

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(b) the second instalment (payable before grant of visa) is nil.

(3) Other:

(a) Application must be made by:

- (i) posting the application (with the correct pre-paid postage) to the post office box address specified in an instrument in writing for this subparagraph; or
- (ii) having the application delivered by a courier service, or otherwise hand-delivered, to the address specified in an instrument in writing for this subparagraph.

(b) Applicant may be in or outside Australia, but not in immigration clearance.

(c) Application by a person claiming to be a member of the family unit of a person may be made at the same time and place as, and combined with, an application by any other member of the family unit seeking to satisfy either the primary or secondary criteria.

(d) Application may be made on or after 1 July 2005 by a person only if:

- (i) the person is the holder of a Subclass 410 visa; or
- (ii) the last substantive visa held by the person since last entering Australia was a Subclass 410 visa; or
- (iii) the person claims to be the spouse or de facto partner of a person mentioned in subparagraph (i) or (ii).

- (4) Subclasses:
410 (Retirement)

1218. Tourist (Class TR)

- (1) Form:
- (a) If the applicant is:
 - (i) in Australia; and
 - (ii) in a class of persons specified by the Minister in an instrument in writing for this subparagraph: 601E.
 - (b) If the applicant is:
 - (i) outside Australia; and
 - (ii) in a class of persons specified by the Minister in an instrument in writing for this subparagraph: 48 (Internet).
- (2) Visa application charge:
- (a) first instalment (payable at the time the application is made):
 - (i) for an applicant who:
 - (A) applies in the course of acting as a representative of a foreign government; or
 - (B) is in a class of persons specified in an instrument in writing for this sub-subparagraph;
 - or whose application is combined, or sought to be combined, with an application made by that person:

First instalment		
Item	Component	Amount
1	Base application charge	Nil
2	Additional applicant charge for an applicant who is at least 18	Nil
3	Additional applicant charge for an applicant who is less than 18	Nil

- (ii) for any other applicant:
 - (A) who is in Australia at the time of application; or

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- (B) whose application is combined, or sought to be combined, with an application made by that person:

First instalment		
Item	Component	Amount
1	Base application charge	\$290
2	Additional applicant charge for an applicant who is at least 18	\$290
3	Additional applicant charge for an applicant who is less than 18	\$75

- (iii) for any other applicant:

- (A) who is outside Australia at the time of application; or
(B) whose application is combined, or sought to be combined, with an application made by that person:

First instalment		
Item	Component	Amount
1	Base application charge	\$115
2	Additional applicant charge for an applicant who is at least 18	\$115
3	Additional applicant charge for an applicant who is less than 18	\$30

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

- (b) the second instalment (payable before grant of visa) is nil.

- (3) Other:

- (a) Oral application may be made if, and only if, the applicant:
(i) is in Australia (but not in immigration clearance); and
(ii) is the holder of:

- (A) a Long Stay (Visitor) (Class TN) visa; or
 - (B) a Short Stay (Visitor) (Class TR) visa; or
 - (C) a Tourist (Class TR) visa.
- (b) Application (not being an oral application) by a person included in the passport of another person may be made at the same time and place as, and combined with, the application by that person.
- (4) Subclasses:
676 (Tourist)

1218AA. Visitor (Class TV)

- (1) Form: 1362 (Internet).
- (2) Visa application charge:
(a) first instalment (payable at the time the application is made):

First instalment		
Item	Component	Amount
1	Base application charge	Nil
2	Additional applicant charge for an applicant who is at least 18	Nil
3	Additional applicant charge for an applicant who is less than 18	Nil

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

- (b) the second instalment (payable before grant of visa) is nil.
- (3) Other:
(a) Applicant must be outside Australia.
(b) Applicant must hold an eVisitor eligible passport.
- (4) Subclasses:
651 (eVisitor)

1219. Special Category (Temporary) (Class TY)

- (1) Form: 15 (unless the application is made using an authorised system, in which case no form is required).
- (2) Visa application charge: Nil.
- (3) Other:
 - (a) Application must be made:
 - (i) if the applicant does not hold a visa:
 - (A) in Australia, either in immigration clearance or after immigration clearance; or
 - (B) if the applicant is to travel to Australia on a pre-cleared flight—outside Australia in immigration clearance; or
 - (ii) if the applicant is the holder of a temporary visa—in Australia, but not in immigration clearance.
 - (b) The applicant must present a New Zealand passport that is in force to an officer or a clearance authority.
 - (c) Applicant is not the holder of a permanent visa.
 - (d) If the application is made using an authorised system, the applicant must answer the health and character questions asked by the authorised system.
- (4) Subclasses:
 - 444 (Special Category)

1220A. Partner (Provisional) (Class UF)

- (1) Form: 47SP or 47SP (Internet).
- (2) Visa application charge: Nil.
- (3) Other:
 - (a) Application (not being an Internet application) must be made outside Australia.
 - (b) Applicant must be outside Australia.
 - (c) Application must be made at the same time and place as an application for a Partner (Migrant) (Class BC) visa.

- (d) Application by a person claiming to be a member of the family unit of a person who is an applicant for a Partner (Provisional) (Class UF) visa may be made at the same time and place as, and combined with, the application by that person.

- (4) Subclasses:
309 (Partner (Provisional))

1221. Contributory Parent (Temporary) (Class UT)

- (1) Form:
- (a) If the applicant is a contributory parent newborn child: Nil
 - (b) In any other case: 47PA.
- (2) Visa application charge:
- (a) first instalment (payable at the time the application is made):
 - (i) for an applicant who:
 - (A) made a valid application for a Parent (Migrant) (Class AX) visa before 27 June 2003; and
 - (B) withdrew that application at the same time as making the application for the Contributory Parent (Temporary) (Class UT) visa;or whose application is combined, or sought to be combined, with an application made by that person, the amount is nil; and
 - (ii) for an applicant:
 - (A) who is a contributory parent newborn child; or
 - (B) whose application is combined, or sought to be combined, with an application made by that person;the amount is nil; and
 - (iii) for any other applicant:

First instalment		
Item	Component	Amount
1	Base application charge	\$2 370

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Item	Component	Amount
2	Additional applicant charge for an applicant who is at least 18	\$1 185
3	Additional applicant charge for an applicant who is less than 18	\$595

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(b) second instalment (payable before grant of visa):**Second instalment**

Item	Applicant	Amount
1	Applicant who: (a) was less than 18 at the time of application; and (b) is a dependent child of an applicant for a Contributory Parent (Temporary) (Class UT) visa; and (c) applied during the period that began on 1 July 2013 and ended on 31 August 2013	\$1 825
1A	Applicant who: (a) was less than 18 at the time of application; and (b) is a dependent child of an applicant for a Contributory Parent (Temporary) (Class UT) visa; and (c) applied on or after 1 September 2013	\$2 095
2	Applicant who is a contributory parent newborn child	Nil
3	Any other applicant	\$29 130

(3) Other:

- (a) Application must be made by:
 - (i) posting the application (with the correct pre-paid postage) to the post office box address specified in a

legislative instrument made by the Minister for this subparagraph; or

- (ii) having the application delivered by a courier service to the address specified in a legislative instrument made by the Minister for this subparagraph.
- (b) Application by a person claiming to be a member of the family unit of a person who is an applicant for a Contributory Parent (Temporary) (Class UT) visa may be made at the same time and place as, and combined with, the application by that person.
- (c) If the applicant has previously made a valid application for another parent visa:
 - (i) a decision to grant or to refuse to grant that visa must have been made; or
 - (ii) the application for that visa must have been withdrawn.
- (d) Application by a contributory parent newborn child must be made by notifying Immigration, in writing, of the birth of the applicant.

(4) Subclasses:

173 (Contributory Parent (Temporary))

1221A. Contributory Aged Parent (Temporary) (Class UU)

(1) Form:

- (a) If the applicant is a contributory parent newborn child: Nil
- (b) In any other case: 47PA.

(2) Visa application charge:

- (a) first instalment (payable at the time the application is made):
 - (i) for an applicant who:
 - (A) made a valid application for an Aged Parent (Residence) (Class BP) visa before 1 July 2003; and
 - (B) withdrew that application at the same time as making the application for the Contributory Aged Parent (Temporary) (Class UU) visa;

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or whose application is combined, or sought to be combined, with an application made by that person, the amount is nil; and

(ii) for an applicant:

(A) who is a contributory parent newborn child; or

(B) whose application is combined, or sought to be combined, with an application made by that person:

the amount is nil; and

(iii) for any other applicant:

First instalment		
Item	Component	Amount
1	Base application charge	\$3 520
2	Additional applicant charge for an applicant who is at least 18	\$1 760
3	Additional applicant charge for an applicant who is less than 18	\$880

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(b) second instalment (payable before grant of visa):

Second instalment		
Item	Applicant	Amount
1	Applicant who: (a) was less than 18 at the time of application; and (b) is a dependent child of an applicant for a Contributory Aged Parent (Temporary) (Class UU) visa	\$2 095
2	Applicant who is a contributory parent newborn child	Nil
3	Any other applicant	\$29 130

(3) Other:

- (a) Application must be made in Australia but not in immigration clearance.
- (b) Applicant, other than a contributory parent newborn child, must be in Australia but not in immigration clearance.
- (c) If the applicant has previously made a valid application for another parent visa:
 - (i) a decision to grant or to refuse to grant that visa must have been made; or
 - (ii) the application for that visa must have been withdrawn.
- (d) Application by a person claiming to be a member of the family unit of a person who is an applicant for a Contributory Aged Parent (Temporary) (Class UU) visa may be made at the same time and place as, and combined with, the application by that person.
- (da) An application must be made:
 - (i) by posting the application (with the correct pre-paid postage) to the post office box address or other address specified by the Minister in an instrument in writing for this subparagraph; or
 - (ii) by having the application delivered by a courier service to the address specified by the Minister in an instrument in writing for this subparagraph; or
 - (iii) if no address has been specified for subparagraphs (i) and (ii)—by lodging the application at an office of Immigration.
- (e) Application by a contributory parent newborn child must be made by notifying Immigration, in writing, of the birth of the applicant.

(4) Subclasses:

884 (Contributory Aged Parent (Temporary))

1222. Student (Temporary) (Class TU)

(1) Form:

- (a) In the case of an application by an applicant who:
 - (i) is outside Australia; and

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- (ii) is included in a class of persons specified in a legislative instrument made by the Minister for the purposes of this subparagraph: 157A or 157E.
- (aa) In the case of an application by an applicant who is in Australia and:
 - (i) is included in a class of persons specified by an instrument in writing for the purposes of this subparagraph: 157A or 157A (Internet); or
 - (ii) is included in a class of persons specified by an instrument in writing for the purposes of this subparagraph: 157P or 157P (Internet).
- (ca) In the case of an application by a person who seeks a Subclass 580 visa: 157G.
- (d) In any other case: 157A.
 - (i) if the application is made outside Australia: 157A; or
 - (ii) if the application is made in Australia: 157A or 157A (Internet).
- (2) Visa application charge:
 - (a) first instalment (payable at the time the application is made):
 - (i) for an applicant (or a member of the family unit of each applicant):
 - (A) who has been granted approval, under a students' training scheme approved by the Commonwealth, to study in Australia; or
 - (B) whose application is combined, or sought to be combined, with an application made by that person;the amount is nil; and
 - (ii) for an applicant (or a member of the family unit of each applicant):
 - (A) who is a secondary exchange student; or
 - (B) whose application is combined, or sought to be combined, with an application made by that person;the amount is nil; and

- (iii) for an applicant (or a member of the family unit of each applicant):
 - (A) who is a Foreign Affairs student to whom subparagraph 1.04A(3)(b)(ii) applies; or
 - (B) whose application is combined, or sought to be combined, with an application made by that person;the amount is nil; and
 - (iv) for an applicant (or a member of the family unit of each applicant):
 - (A) who is a member of the family unit of a Foreign Affairs student who has not, since becoming a Foreign Affairs student, applied for a visa other than a Foreign Affairs student visa within the meaning of regulation 1.04A; or
 - (B) whose application is combined, or sought to be combined, with an application made by that person;the amount is nil; and
 - (v) for an applicant (or a member of the family unit of each applicant):
 - (A) who is a Defence student to whom subparagraph 1.04B(b)(ii) applies; or
 - (B) whose application is combined, or sought to be combined, with an application made by that person;the amount is nil; and
 - (vi) for an applicant (or a member of the family unit of each applicant):
 - (A) who is a member of the family unit of a Defence student who has not, since becoming a Defence student, applied for a visa other than a student visa; or
 - (B) whose application is combined, or sought to be combined, with an application made by that person;the amount is nil; and
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- (vii) for a student (or a member of the family unit of each applicant) in relation to whom each of the following circumstances applies:
- (A) the student was not able to complete a registered course due to provider default;
 - (B) there is satisfactory evidence that the student was enrolled in that course on the provider default day;
 - (C) the student holds a student visa, or the student's last substantive visa was a student visa;
 - (D) the student requires a student visa to allow him or her to complete an alternative registered course or one or more registered courses after an alternative registered course;
 - (E) the student's visa application is made no later than 12 months after the provider default day;
 - (F) the student has not made a previous application in the circumstances mentioned in this subparagraph because of the same provider default;
- or whose application is combined, or sought to be combined, with an application made by that person, the amount is nil; and
- (viii) for an applicant (or a member of the family unit of each applicant) who is an applicant for a Subclass 580 visa in relation to whom each of the following circumstances applies:
- (A) the nominating student was not able to complete a registered course due to provider default;
 - (B) there is satisfactory evidence that the nominating student was enrolled in that course on the provider default day;
 - (C) the nominating student holds a student visa, or the nominating student's last substantive visa was a student visa;

- (D) the nominating student requires a student visa to allow him or her to complete an alternative registered course or one or more registered courses after an alternative registered course;
- (E) the person's visa application is made no later than 12 months after the provider default day; and
- (F) the person has not made a previous application in the circumstances mentioned in this subparagraph because of the same provider default;
- or whose application is combined, or sought to be combined, with an application made by that person, the amount is nil; and
- (ix) for an applicant who:
- (A) makes an application on form 157P or 157P (Internet); and
- (B) is not mentioned in any of subparagraphs (i) to (viii);
- or whose application is combined, or sought to be combined, with an application made by that person:

First instalment		
Item	Component	Amount
1	Base application charge	\$75
2	Additional applicant charge for an applicant seeking to satisfy the criteria for the grant of a Subclass 574 (Postgraduate Research Sector) visa	Nil
3	Additional applicant charge for any other applicant who is at least 18	\$55
4	Additional applicant charge for any other applicant who is less than 18	\$20

- (x) for any other applicant:

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First instalment		
Item	Component	Amount
1	Base application charge	\$535
2	Additional applicant charge for an applicant seeking to satisfy the criteria for the grant of a Subclass 574 (Postgraduate Research Sector) visa	Nil
3	Additional applicant charge for an applicant seeking to satisfy the criteria for the grant of a Subclass 580 (Student Guardian) visa who is at least 18	Nil
4	Additional applicant charge for any other applicant who is at least 18	\$405
5	Additional applicant charge for any other applicant who is less than 18	\$135

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(b) the second instalment (payable before grant of visa) is nil.

(3) Other:

- (a) Subject to paragraph (aa), application may be made in or outside Australia, but not in immigration clearance.
- (aa) An application made on form 157A or 157G by an applicant who is included in a class of persons specified in a legislative instrument made by the Minister for this paragraph must be made by:
 - (i) posting the application (with the correct pre-paid postage) to the post office box address specified by the Minister; or
 - (ii) having the application delivered by a courier service to the address specified by the Minister.

Note: An application made under paragraph (aa) is taken to have been made outside Australia—see subregulation 2.07AF(6).

- (b) Applicant must be in Australia to make an application in Australia.
- (c) If the application is made on form 157A or 157E and the applicant seeks to satisfy the primary criteria, the application is accompanied by satisfactory evidence that:
 - (i) the applicant is enrolled in a registered full-time course of study:
 - (A) of a type that has been specified in a legislative instrument made by the Minister under regulation 1.40A; and
 - (B) the provider of which is not a suspended education provider; or
 - (ii) the applicant has been offered a place in a registered full-time course of study:
 - (A) of a type that has been specified in a legislative instrument made by the Minister under regulation 1.40A; and
 - (B) the provider of which is not a suspended education provider; or
 - (iii) if the applicant is a Foreign Affairs student who meets the requirement in subparagraph 1.04A(3)(b)(ii), a Defence student who meets the requirement in subparagraph 1.04B(b)(ii) or a secondary exchange student—the applicant is enrolled, or intends to enrol, in a full-time course of study the provider of which is not a suspended education provider; or
 - (iv) if:
 - (A) the application was made in Australia; and
 - (B) at the time of application, the applicant was the holder of a Subclass 560, 562 or 574 visa; and
 - (C) the applicant is seeking to remain in Australia during the marking of his or her postgraduate thesis—in connection with a full-time course of study or with a matter arising from the course, the relevant educational institution requires the applicant to remain in Australia during the marking of a postgraduate thesis.

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- (ce) If the application (not being an Internet application) is made outside Australia, application must be made at:
 - (i) a diplomatic, consular or migration office maintained by or on behalf of the Commonwealth outside Australia; or
 - (ii) an office of a visa application agency that is approved in writing by the Minister for the purpose of receiving applications for Student (Temporary) (Class TU) visas.
- (cf) If the application is made in Australia, using form 157P, application must be made at:
 - (i) an office of Immigration in Australia; or
 - (ii) if the educational institution at which the applicant is enrolled is approved in writing by the Minister for the purpose of receiving applications for Student (Temporary) (Class TU) visas—that educational institution; or
 - (iii) if:
 - (A) the applicant holds a Subclass 560, 563, 570, 571, 572, 573, 574, 575 or 576 visa as a member of the family unit of a person who, having satisfied the primary criteria, holds a Subclass 560, 562, 570, 571, 572, 573, 574, 575 or 576 visa; and
 - (B) the educational institution at which that person is enrolled is approved in writing by the Minister for the purpose of receiving applications for Student (Temporary) (Class TU) visas;that educational institution.
- (d) Application by a person claiming to be a member of the family unit of a person who is an applicant for a Student (Temporary) (Class TU) visa may be made at the same time and place as, and combined with, the application by that person.
- (f) If the application is made on form 157G, the application must be accompanied by a form 157N.
- (g) In the case of an application to which paragraph (h) applies, the application must be accompanied by:

- (i) evidence of an intention to reside in Australia with a person who:
 - (A) is a parent of the applicant or a person who has custody of the applicant; or
 - (B) is:
 - (I) a relative of the applicant; and
 - (II) nominated by a parent of the applicant or a person who has custody of the applicant; and
 - (III) aged at least 21; or
- (ii) evidence that the education provider for the course in which the applicant is enrolled has made appropriate arrangements for the applicant's accommodation, support and general welfare for at least the minimum period of enrolment stated on the applicant's:
 - (A) certificate of enrolment; or
 - (B) electronic confirmation of enrolment; or
 - (C) Acceptance Advice of Secondary Exchange Student (AASES);plus 7 days after the end of that period.
- (h) This paragraph applies to an application if:
 - (i) the application is made in Australia; and
 - (ii) the application is made on form 157A or 157A (Internet); and
 - (iii) the applicant is under 18 years of age; and
 - (iv) the applicant is not:
 - (A) a Foreign Affairs student; or
 - (B) a Defence student.

(4) Subclasses:

- 570 Independent ELICOS Sector
- 571 Schools Sector
- 572 Vocational Education and Training Sector
- 573 Higher Education Sector
- 574 Postgraduate Research Sector
- 575 Non-Award Sector
- 576 Foreign Affairs or Defence Sector

580 Student Guardian

(5) In this item:

nominating student, for an applicant, means a person who nominates the applicant on form 157N.

1223A. Temporary Business Entry (Class UC)

(1) Form:

(b) If:

(i) the applicant seeks to satisfy the criteria for the grant of a Subclass 457 (Temporary Work (Skilled)) visa; and

(ii) paragraph (bb) does not apply;
the application must be made as an internet application using the form specified by the Minister in an instrument in writing for this paragraph.

(ba) If:

(i) the applicant seeks to satisfy the criteria for the grant of a Subclass 457 (Temporary Work (Skilled)) visa; and

(ii) paragraph (bb) does not apply; and
(iii) the applicant has been unable to lodge an application in accordance with paragraph (b) in a circumstance specified by the Minister in an instrument in writing for this paragraph;

the application may be made in a way, and using a form, specified by the Minister in that instrument.

(bb) If the applicant:

(i) seeks to satisfy the secondary criteria for the grant of a Subclass 457 (Temporary Work (Skilled)) visa; and

(ii) is not making a combined application with the applicant seeking to satisfy the primary criteria for the grant of that visa;

the application must be made as an internet application using the form specified by the Minister in an instrument in writing for this paragraph.

(bc) If:

- (i) the applicant seeks to satisfy the secondary criteria for the grant of a Subclass 457 (Temporary Work (Skilled)) visa; and
 - (ii) the applicant has been unable to lodge an application in accordance with paragraph (bb) in a circumstance specified by the Minister in an instrument in writing for this paragraph;
- the application may be made in a way, and using a form, specified by the Minister in that instrument.

(2) Visa application charge:

- (a) first instalment (payable at the time the application is made):

First instalment		
Item	Component	Amount
1	Base application charge	\$1 035
2	Additional applicant charge for an applicant who is at least 18	\$1 035
3	Additional applicant charge for an applicant who is less than 18	\$260

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

- (b) the second instalment (payable before grant of visa) is nil.

(3) Other:

- (aa) An applicant for a Subclass 457 (Temporary Work (Skilled)) visa may be in or outside Australia, but not in immigration clearance.
- (c) An application by an applicant who:
 - (i) seeks to satisfy the secondary criteria for the grant of a Subclass 457 (Temporary Work (Skilled)) visa; and
 - (ii) claims to be a member of the family unit of a person who seeks to satisfy the primary criteria (the ***primary applicant***);

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may be made at the same time and place as, and combined with, an application by the primary applicant or any other applicant who claims to be a member of the family unit of the primary applicant.

(d) In the case of an applicant who seeks to satisfy the primary criteria for the grant of a Subclass 457 (Temporary Work (Skilled)) visa on the basis that the applicant meets the requirements of subclause 457.223(4) of Schedule 2:

- (i) the application must specify the person who has nominated, or who proposes to nominate, an occupation in relation to the applicant; and
- (ii) the application must be accompanied by evidence that the person who has nominated, or proposes to nominate, the occupation is:

(B) a standard business sponsor; or

(C) a person who has applied for approval under regulation 2.61 as a standard business sponsor but whose application has not yet been decided; or

Note: Item 49 of Schedule 1 of the Migration Legislation Amendment (Worker Protection) Act 2008 provides that if:

- (a) a person applied for approval as a sponsor under section 140E of the Act as in force immediately prior to 14 September 2009; and
- (b) the person's application is not finally determined (within the meaning of subsection 5(9) of the *Migration Act 1958*) before 14 September 2009;

the application is treated as if it had been made on 14 September 2009.

(D) a person whose approval as a standard business sponsor has ceased to have effect, but whose nomination of an occupation in relation to the applicant:

(I) has been approved under section 140GB of the Act; and

(II) has not ceased to have effect under regulation 2.75; and

- (iii) the person who has nominated, or proposes to nominate, the occupation is not the subject of a bar under:

- (A) section 140L of the Act as in force immediately prior to 14 September 2009; or
 - (B) section 140M of the Act.
- (da) In the case of an applicant who seeks to satisfy the primary criteria for the grant of a Subclass 457 (Temporary Work (Skilled)) visa on the basis that the applicant meets the requirements of subclause 457.223(2) of Schedule 2:
- (i) the application must specify the person who has nominated, or proposes to nominate, an occupation in relation to the applicant; and
 - (ii) either:
 - (A) if the applicant is outside Australia at the time of making the application—the labour agreement has been approved; or
 - (B) if the applicant is in Australia at the time of making the application:
 - (I) the labour agreement has been approved; or
 - (II) the person who proposes to nominate an occupation in relation to the applicant has made a submission to the Minister to enter into a labour agreement.

(4) Subclasses:

Subclass 457 (Temporary Work (Skilled))

1223B. Temporary Safe Haven (Class UJ)

(1) Form: Nil.

(2) Visa application charge: Nil.

(3) Subclasses:

449 (Humanitarian Stay (Temporary))

Note: See regulation 2.07AC for how an application for a Temporary Safe Haven (Class UJ) visa is taken to have been validly made.

1223C. Temporary (Humanitarian Concern) (Class UO)

(1) Form: Nil.

(2) Visa application charge: Nil.

(3) Subclasses:

786 (Temporary (Humanitarian Concern))

Note: See regulation 2.07AC for how an application for a Temporary (Humanitarian Concern) (Class UO) visa is taken to have been validly made.

1224. Transit (Temporary) (Class TX)

(1) Form: 876.

(2) Visa application charge: Nil.

(3) Other:

(a) Application must be made outside Australia.

(b) Applicant must be outside Australia.

(4) Subclasses:

771 (Transit)

1224A. Work and Holiday (Temporary) (Class US)

(1) Forms:

(a) For an applicant in a class of persons specified in an instrument in writing for this paragraph: 1208 or 1208E (Internet).

(b) For any other applicant: 1208.

(2) Visa application charge:

(a) the base application charge (payable at the time the application is made) is \$420; and

(b) the second instalment (payable before grant of visa) is nil.

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(3) Other:

- (a) Applicant must hold a valid passport issued by a foreign country specified in an instrument in writing for this paragraph.

Note: For *foreign country*, see section 2B of the *Acts Interpretation Act 1901*.

- (aa) Subject to paragraph (ab), application using form 1208 by a person who holds a valid passport mentioned in paragraph (a) must be made at an address specified for the country of issue in an instrument in writing for this paragraph.
- (ab) Application using form 1208 by a person in a class of persons specified in an instrument in writing for this paragraph may be made in any foreign country.

Note: An Internet application is taken to have been made at the time, identified using Australian Eastern Standard Time or Australian Eastern Standard Time incorporating Daylight Saving Time in the Australian Capital Territory, that corresponds to the time at which the Internet application is made: see regulation 2.10C.

- (b) If the applicant does not hold a Subclass 462 (Work and Holiday) visa at the time of application, the applicant must:
- (i) be outside Australia; and
 - (ii) not have previously been in Australia as the holder of a Subclass 417 (Working Holiday) visa or a Subclass 462 (Work and Holiday) visa; and
 - (iii) unless the applicant is a member of a class of persons specified by the Minister, by an instrument in writing, for this subparagraph—provide evidence that the applicant has the support for the grant of the visa from the government of the foreign country mentioned in paragraph (a).
- (c) If the applicant holds a Subclass 462 (Work and Holiday) visa at the time of application, the applicant must:
- (i) be in Australia, but not in immigration clearance; and
 - (ii) have previously held, in Australia, not more than 2 Subclass 462 (Work and Holiday) visas; and

- (iii) be a member of a class of persons specified by the Minister, by an instrument in writing, for this subparagraph.

(4) Subclasses:

462 (Work and Holiday)

1225. Working Holiday (Temporary) (Class TZ)

(1) Form: 1150 or 1150E.

(2) Visa application charge:

- (a) the base application charge (payable at the time the application is made) is \$420; and
- (b) the second instalment (payable before grant of visa) is nil.

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(3) Application by a person made using form 1150 must be made:

- (a) if the applicant is, or has previously been, in Australia as the holder of a Subclass 417 (Working Holiday) visa:
 - (i) by posting the application (with the correct pre-paid postage) to the post office box address specified by the Minister in an instrument in writing for this paragraph; or
 - (ii) by having the application sent by fax to the number specified by the Minister in an instrument in writing for this paragraph; or
- (b) if the applicant is not, and has not previously been, in Australia as the holder of a Subclass 417 (Working Holiday) visa the application is made:
 - (i) if the applicant is a member of a class of persons specified by the Minister in an instrument in writing for this paragraph—in any foreign country; or

- (ii) if the applicant is a member of a class of persons specified by the Minister in an instrument in writing for this paragraph—in the foreign country specified in the instrument in writing for that class of persons.

Note: For **foreign country**, see section 2B of the *Acts Interpretation Act 1901*.

- (3A) If the applicant is not, and has not previously been, in Australia as the holder of a Subclass 417 (Working Holiday) visa, the applicant:
 - (a) is outside Australia; and
 - (b) holds a working holiday eligible passport.
- (3B) If the applicant is, or has previously been, in Australia as the holder of a Subclass 417 (Working Holiday) visa:
 - (a) the applicant must not be in immigration clearance; and
 - (b) the application must not be made in immigration clearance; and
 - (c) the application must be accompanied by a declaration by the applicant that he or she has carried out specified work in regional Australia for a total period of at least 3 months as the holder of that visa; and
 - (d) the applicant has not previously held more than 1 Subclass 417 (Working Holiday) visa in Australia; and
 - (e) the applicant holds a working holiday eligible passport; and
 - (f) if the applicant is in Australia, the applicant must:
 - (i) hold a substantive visa; or
 - (ii) have held a substantive visa at any time in the period of 28 days immediately before making the application.
- (3C) The applicant must not have previously been in Australia as the holder of a Subclass 462 (Work and Holiday) visa.
- (4) Subclasses:
 - 417 (Working Holiday)
- (5) In this item:

regional Australia means a place specified by the Minister in an instrument in writing for this definition.

specified work means work of a kind specified by the Minister in an instrument in writing for this definition.

working holiday eligible passport means a valid passport held by a person who is a member of a class of persons specified in an instrument in writing under subparagraph (3)(b)(i) or (ii).

Note: ***Internet application*** is defined in regulation 1.03.

1227. Maritime Crew (Temporary) (Class ZM)

Note: This class of visa relates to a member of the crew of a non-military ship. Those expressions are defined in regulation 1.03.

- (1) Form: 1273 or 1273 (Internet).
- (2) Visa application charge: Nil.
- (3) Other:
 - (a) Application may be made in or outside Australia.
 - (b) Applicant must be outside Australia.
 - (c) Applicant is not the holder of a permanent visa.
 - (d) Application must be made:
 - (i) by posting the application (with the correct pre-paid postage) to the post office box address specified by the Minister in an instrument in writing for this subparagraph; or
 - (ii) by having the application delivered by a courier service to the address specified by the Minister in an instrument in writing for this subparagraph; or
 - (iii) by having the application sent by facsimile to the address specified by the Minister in an instrument in writing for this subparagraph; or
 - (iv) as an Internet application.
 - (e) An applicant who seeks to satisfy the secondary criteria for the grant of the visa must claim to be the spouse, de facto partner or a dependent child of:
 - (i) the holder of a Maritime Crew (Temporary) (Class ZM) visa who has satisfied the primary criteria for the grant of the visa; or

- (ii) an applicant who seeks to satisfy, or has satisfied, the primary criteria for the grant of the visa.

(4) Subclasses:

988 (Maritime Crew)

1227A. Superyacht Crew (Temporary) (Class UW)

Note: This class of visa relates to a member of the crew of a superyacht. Those expressions are defined in regulation 1.03. Regulation 1.15G is also relevant for the purposes of the definition of *superyacht*.

(1) Form: 1365 or 1365 (Internet).

(2) Visa application charge: Nil.

(3) Other:

- (a) Applicant may be in or outside Australia.
- (b) Applicant is not the holder of a permanent visa.
- (c) If the applicant is in Australia at the time of application, the applicant is the holder of a substantive visa other than a permanent visa.
- (ca) Applicant seeking to satisfy the primary criteria for the grant of a Subclass 488 (Superyacht Crew) visa must:
 - (i) specify, in the application, the person who proposes to be the superyacht crew sponsor in relation to the applicant; and
 - (ii) provide evidence that the person is a superyacht crew sponsor, or is a person who has applied for approval as a superyacht crew sponsor but whose application has not yet been decided.
- (d) Application must be made:
 - (i) as an Internet application; or
 - (ii) by posting the application (with the correct pre-paid postage) to the post office box address specified by the Minister in an instrument in writing for this subparagraph; or
 - (iii) by having the application delivered by a courier service to the address specified by the Minister in an instrument in writing for this subparagraph; or

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- (iv) by having the application sent by fax to the number specified by the Minister in an instrument in writing for this subparagraph.

(4) Subclasses:

488 (Superyacht Crew)

1228. Skilled (Provisional) (Class VF)

(1) Forms: 1276 or 1276 (Internet).

(2) Visa application charge:

(a) first instalment (payable at the time the application is made):

First instalment		
Item	Component	Amount
1	Base application charge	\$360
2	Additional applicant charge for an applicant who is at least 18	\$180
3	Additional applicant charge for an applicant who is less than 18	\$90

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(b) the second instalment (payable before grant of visa) is nil.

(3) Other:

(a) Application must be made:

- (i) as an Internet application; or
- (ii) by posting the application (with the correct pre-paid postage) to the post office box address or other address specified by the Minister in an instrument in writing for this subparagraph; or
- (iii) by having the application delivered by a courier service to the address specified by the Minister in an instrument in writing for this subparagraph.

Note: An Internet application is taken to have been made at the time, identified using Australian Eastern Standard Time or Australian Eastern Standard Time incorporating Daylight Saving Time in the Australian Capital Territory, that corresponds to the time at which the Internet application is made: see regulation 2.10C.

- (c) Applicant seeking to satisfy the primary criteria for the grant of a Subclass 476 (Skilled—Recognised Graduate) visa must be less than 31.
- (d) Application by a person claiming to be a member of the family unit of a person who seeks to satisfy the primary criteria may be made at the same time and place as, and combined with, an application by that person.

(4) Subclasses:

Subclass 476 (Skilled—Recognised Graduate)

1229. Skilled (Provisional) (Class VC)

- (1) Forms: The form or forms specified by the Minister in an instrument in writing for this subitem.
- (2) Visa application charge:
 - (a) first instalment (payable at the time the application is made):

First instalment		
Item	Component	Amount
1	Base application charge	\$1 440
2	Additional applicant charge for an applicant who is at least 18	\$720
3	Additional applicant charge for an applicant who is less than 18	\$360

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

- (b) the second instalment (payable before grant of visa) is nil.

(3) Other:

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- (a) An application by a person seeking to satisfy the primary criteria for the grant of a Subclass 487 (Skilled—Regional Sponsored) visa must be made before 1 January 2013.
- (b) An application by a person seeking to satisfy the secondary criteria for the grant of a Subclass 487 (Skilled—Regional Sponsored) visa must be made before 1 July 2012.
- (c) An application must be made:
 - (i) as an Internet application; or
 - (ii) by posting the application (with the correct pre-paid postage) to the post office box address or other address specified by the Minister in an instrument in writing for this subparagraph; or
 - (iii) by having the application delivered by a courier service to the address specified by the Minister in an instrument in writing for this subparagraph.

Note: An Internet application is taken to have been made at the time, identified using Australian Eastern Standard Time or Australian Eastern Standard Time incorporating Daylight Saving Time in the Australian Capital Territory, that corresponds to the time at which the Internet application is made. See regulation 2.10C.

- (d) If an applicant:
 - (i) is not seeking to satisfy the criteria for the grant of a Subclass 485 (Temporary Graduate) visa; and
 - (ii) has not nominated a skilled occupation specified by the Minister in an instrument in writing for paragraph (e);the applicant's skills must have been assessed by the relevant assessing authority as suitable for the applicant's nominated skilled occupation.
- (e) If an applicant:
 - (i) is not seeking to satisfy the criteria for the grant of a Subclass 485 (Temporary Graduate) visa; and
 - (ii) has nominated a skilled occupation specified by the Minister in an instrument in writing for this paragraph;the applicant's skills must have been assessed by the relevant assessing authority, on or after 1 January 2010, as suitable for the applicant's nominated skilled occupation.
- (f) An applicant claiming to be a member of the family unit of a person who, having satisfied the primary criteria, holds a

Skilled (Provisional) (Class VC) visa may be in or outside Australia when making his or her application, but not in immigration clearance.

- (g) An applicant to whom paragraph (f) does not apply must be in Australia, but not in immigration clearance, when making his or her application.
- (h) An application by a person claiming to be a member of the family unit of a person who seeks to satisfy the primary criteria may be made at the same time and place as, and combined with, an application by that person.
- (j) An applicant seeking to satisfy the primary criteria for the grant of a Subclass 485 (Temporary Graduate) visa must nominate only one stream to which the application relates.
- (k) An applicant seeking to satisfy the primary criteria for the grant of a Subclass 485 (Temporary Graduate) visa in the Graduate Work stream must nominate a skilled occupation for the applicant that is specified by the Minister in an instrument in writing for this paragraph.
- (l) An applicant seeking to satisfy the primary criteria for the grant of a Subclass 485 (Temporary Graduate) visa in the Post-Study Work stream:
 - (i) must hold a Student Temporary (Class TU) visa that:
 - (A) was granted on the basis of an application made on or after 5 November 2011; and
 - (B) is the first Student Temporary (Class TU) visa that the applicant has held; or
 - (ii) must have held a Student Temporary (Class TU) visa that:
 - (A) was granted on the basis of an application made on or after 5 November 2011; and
 - (B) was the first Student Temporary (Class TU) visa that the applicant had held.
- (m) An applicant seeking to satisfy the primary criteria for the grant of a Subclass 485 (Temporary Graduate) visa must meet the requirements of subitem (4).

(4) The following requirements must be met:

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- (a) one of the following subparagraphs must be satisfied by the applicant:
- (i) the applicant holds an eligible student visa;
 - (ii) the applicant must hold a Bridging A (Class WA) visa or Bridging B (Class WB) visa that was granted on the basis of a valid application for a visa other than one of the following visas:
 - (A) a Subclass 570 (Independent ELICOS Sector) visa;
 - (B) a Subclass 571 (Schools Sector) visa;
 - (C) a Subclass 572 (Vocational Education and Training Sector) visa, a Subclass 573 (Higher Education Sector) visa, or a Subclass 574 (Postgraduate Research Sector) visa, that was applied for on the basis that the applicant seeking to satisfy the primary criteria for the grant of that visa intends to undertake a course of study paid for, wholly or in part, by the Commonwealth, the government of a State or Territory, the government of a foreign country or a multilateral agency and for which a condition of payment by that body for the course is that the student will leave Australia on the completion of the course;
 - (D) a Subclass 572 (Vocational Education and Training Sector) visa, a Subclass 573 (Higher Education Sector) visa, or a Subclass 574 (Postgraduate Research Sector) visa that was applied for on the basis that the applicant seeking to satisfy the primary criteria for the grant of that visa intends to undertake a course of study or training under a scholarship scheme or training program approved by the AusAID Minister, the Foreign Minister or the Defence Minister;
and for which a condition of that scheme or program is that the student will leave Australia on completion of the course;
 - (E) a Subclass 575 (Non-Award Sector) visa;
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- (F) a Subclass 576 (Foreign Affairs or Defence Sector) visa;
and must also have held an eligible student visa at any time during the period of 6 months ending immediately before the day on which the application is made;
 - (iii) the applicant must:
 - (A) hold a substantive visa other than a visa mentioned in sub-subparagraphs (ii) (A) to (F); and
 - (B) have held an eligible student visa at any time during the period of 6 months ending immediately before the day on which the application for the Skilled (Provisional) (Class VC) visa is made;
 - (iv) the applicant must have been taken, under sections 368C, 368D and 379C of the Act, to have been notified that the Migration Review Tribunal has set aside and substituted the Minister's decision not to revoke the cancellation of the applicant's eligible student visa not more than 28 days before the day on which the application is made;
 - (b) the applicant seeking to satisfy the primary criteria for the grant of the visa must be less than 50.
- (9) If the applicant is seeking to satisfy the criteria for the grant of a Subclass 487 (Skilled—Regional Sponsored) visa, the applicant must claim to be a member of the family unit of an applicant who holds a Skilled (Provisional) (Class VC) visa granted on the basis of satisfying the primary criteria for the grant of the visa.
- (10) Subclasses:
Subclass 485 (Temporary Graduate)

1230. Skilled—Regional Sponsored (Provisional) (Class SP)

- (1) Form: 1393 (Internet)
- (2) Visa application charge:
 - (a) first instalment (payable at the time the application is made):
 - (i) for an applicant who holds:

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- (A) a Skilled—Independent Regional (Provisional) (Class UX) visa; or
- (B) a Skilled—Designated Area-sponsored (Provisional) (Class UZ) visa; or
- (C) a Subclass 475 (Skilled—Regional Sponsored) visa; or
- (D) a Subclass 487 (Skilled—Regional Sponsored) visa;

or whose application is combined, or sought to be combined, with an application made by that person:

First instalment		
Item	Component	Amount
1	Base application charge	\$320
2	Additional applicant charge for an applicant who is at least 18	\$160
3	Additional applicant charge for an applicant who is less than 18	\$80

(ii) for any other applicant:

First instalment		
Item	Component	Amount
1	Base application charge	\$3 520
2	Additional applicant charge for an applicant who is at least 18	\$1 760
3	Additional applicant charge for an applicant who is less than 18	\$880

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(b) second instalment (payable before grant of visa):

Second instalment		
Item	Applicant	Amount
1	Applicant who: (a) was at least 18 at the time of application; and (b) is assessed as not having functional English; and (c) has not paid a second instalment of visa application charge in relation to the application for the visa, mentioned in subparagraph (2)(a)(i), that the applicant holds	\$4 890
2	Any other applicant	Nil

(3) Other:

- (a) An application must be made as an Internet application.

Note: An Internet application is taken to have been made at the time, identified using Australian Eastern Standard Time or Australian Eastern Standard Time incorporating Daylight Saving Time in the Australian Capital Territory, that corresponds to the time at which the Internet application is made: see regulation 2.10C.

- (b) An applicant may be in or outside Australia, but not in immigration clearance.

- (c) An applicant in Australia must hold:

- (i) a substantive visa; or
- (ii) a Subclass 010 (Bridging A) visa; or
- (iii) a Subclass 020 (Bridging B) visa; or
- (iv) a Subclass 030 (Bridging C) visa.

- (d) An application by a person claiming to be a member of the family unit of a person who is an applicant for a Skilled—Regional Sponsored (Provisional) (Class SP) visa may be made at the same time as, and combined with, an application by that person.

- (4) An applicant seeking to satisfy the primary criteria for the grant of a Subclass 489 (Skilled—Regional (Provisional)) visa in the First Provisional Visa stream must meet the requirements in the table.

Item	Requirements
1	The applicant must have been invited, in writing, by the Minister to apply for a Subclass 489 (Skilled-Regional (Provisional)) visa in the First Provisional Visa stream

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Item	Requirements
2	The applicant must apply for that visa within the period stated in the invitation
3	The applicant must not have turned 50 at the time of invitation to apply for the visa
4	The applicant must nominate a skilled occupation: <ul style="list-style-type: none">(a) that is specified by the Minister in an instrument in writing for this item as a skilled occupation at the time of invitation to apply for the visa; and(b) that is specified in the invitation as the skilled occupation which the applicant may nominate; and(c) for which the applicant declares in the application that the applicant's skills have been assessed as suitable by the relevant assessing authority and that the assessment is not for a Subclass 485 (Temporary Graduate) visa
5	The applicant must: <ul style="list-style-type: none">(a) be nominated by a State or Territory government agency; or(b) declare in the application that the applicant is sponsored by a person who:<ul style="list-style-type: none">(i) has turned 18; and(ii) is an Australian citizen, Australian permanent resident or eligible New Zealand citizen
6	If the applicant declares in the application that the applicant is sponsored by a person mentioned in paragraph 5(b), the applicant also declares in the application that: <ul style="list-style-type: none">(a) the sponsor is usually resident in a designated area of Australia; and(b) the sponsor is related to the applicant, or the applicant's spouse or de facto partner (if the applicant's spouse or de facto partner is an applicant for the grant of a Skilled—Regional Sponsored (Provisional) (Class SP) visa), as:<ul style="list-style-type: none">(i) a parent; or(ii) a child or step-child; or(iii) a brother, sister, adoptive brother, adoptive sister, step-brother or step-sister; or(iv) an aunt, uncle, adoptive aunt, adoptive uncle, step-aunt or step-uncle; or(v) a nephew, niece, adoptive nephew, adoptive niece, step-nephew or step-niece; or

Item	Requirements
	(vi) a grandparent; or (vii) a first cousin; and (c) each person who is an applicant, and claims to be a member of the family unit of the applicant, is sponsored by that person

Note: *designated area* is defined in regulation 1.03

- (5) An applicant seeking to satisfy the primary criteria for the grant of a Subclass 489 (Skilled—Regional (Provisional)) visa in the Second Provisional Visa stream must meet the requirements in the table.

Item	Requirements
1	The applicant holds one of the following visas: (a) a Skilled—Independent (Provisional) (Class UX) visa; (b) a Skilled—Designated Area-sponsored (Provisional) (Class UZ) visa; (c) a Subclass 475 (Skilled—Regional Sponsored) visa; (d) a Subclass 487 (Skilled—Regional Sponsored) visa.
2	For at least 2 years immediately before the application is made, the applicant must have held one of those visas, granted on the basis of: (a) satisfying the primary criteria for the grant of that visa; or (b) being the spouse or de facto partner of the person who satisfied the primary criteria for the grant of that visa
3	The applicant must not have held more than one of a particular kind of those visas

- (6) Subclasses:
Subclass 489 (Skilled—Regional (Provisional))

1231 Temporary Work (Short Stay Activity) (Class GA)

- (1) Form:
(a) For an applicant in a class of persons specified by the Minister in an instrument in writing for this paragraph, 1400 or 1400 (Internet).
(b) In any other case, 1400.

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(2) Visa application charge:

(a) first instalment (payable at the time the application is made):

(i) for an applicant:

(A) who is entered in a sporting event as an amateur participant; or

(B) whose application is combined, or sought to be combined, with an application made by that person;

the amount is nil; and

(ii) for an applicant who is appointed or employed to assist:

(A) a person who is entered in a sporting event as an amateur participant; or

(B) a team that is entered in a sporting event as an amateur team;

or whose application is combined, or sought to be combined, with an application made by that person, the amount is nil; and

(iii) for an applicant:

(A) who applies in the course of acting as a representative for a foreign government; or

(B) whose application is combined, or sought to be combined, with an application made by that person;

the amount is nil; and

(iv) for an applicant:

(A) who is in a class of persons specified by the Minister in an instrument in writing for this subparagraph; or

(B) whose application is combined, or sought to be combined, with an application made by that person;

the amount is nil; and

(v) for any other applicant:

First instalment		
Item	Component	Amount
1	Base application charge	\$165
2	Additional applicant charge for an applicant who is at least 18	\$85
3	Additional applicant charge for an applicant who is less than 18	\$40

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(b) the second instalment (payable before grant of visa) is nil.

(3) Other:

(a) An application other than an Internet application must be made at a diplomatic, consular or migration office maintained by or on behalf of the Commonwealth outside Australia.

Note: An Internet application is taken to have been made at the time, identified using Australian Eastern Standard Time or Australian Eastern Standard Time incorporating Daylight Saving Time in the Australian Capital Territory, that corresponds to the time at which the Internet application is made: see regulation 2.10C.

(b) An applicant must be outside Australia.

(c) An application by a person claiming to be a member of the family unit of a person who is an applicant for a Temporary Work (Short Stay Activity) (Class GA) visa may be made at the same time as, and combined with, the application by that person.

(4) Subclasses:

Subclass 400 (Temporary Work (Short Stay Activity))

1232. Temporary Work (Long Stay Activity) (Class GB)

(1) Form: 1401

(2) Visa application charge:

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- (a) first instalment (payable at the time the application is made):
- (i) for an applicant who is:
- (A) outside Australia at the time of application; and
- (B) a member of a sporting body that comprises at least 10 other applicants who make applications at the same time and place;
- or whose application is combined, or sought to be combined, with an application made by that person:

First instalment		
Item	Component	Amount
1	Base application charge	\$3 600 divided by the number of applicants in the sporting body
2	Additional applicant charge for an applicant who is at least 18	\$360
3	Additional applicant charge for an applicant who is less than 18	\$90

- (ii) for an applicant:
- (A) who is in a class of persons specified by the Minister in an instrument in writing for this subparagraph; or
- (B) whose application is combined, or sought to be combined, with an application made by that person;
- the amount is nil;
- (iii) for any other applicant:

First instalment		
Item	Component	Amount
1	Base application charge	\$360
2	Additional applicant charge for an applicant who is at least 18	\$360
3	Additional applicant charge for an applicant who is less than 18	\$90

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(b) the second instalment (payable before grant of visa) is nil.

(3) Other:

(a) If an applicant is in Australia, an application must be made by:

- (i) posting the application (with the correct pre-paid postage) to the post office box address specified by the Minister in an instrument in writing for this subparagraph; or
- (ii) having the application delivered by courier service, or otherwise by hand, to the address specified by the Minister in an instrument in writing for this subparagraph; or
- (iii) faxing the application to the fax number specified by the Minister in an instrument in writing for this subparagraph.

(aa) If an applicant is outside Australia, and seeks to satisfy the criteria for a Subclass 401 (Temporary Work (Long Stay Activity)) visa in the Domestic Worker (Executive) Stream, an application must be made:

- (i) by posting the application (with the correct pre-paid postage) to the post office box address specified by the Minister in an instrument in writing for this subparagraph; or
 - (ii) by having the application delivered by courier service, or otherwise by hand, to an address specified by the Minister in an instrument in writing for this subparagraph; or
 - (iii) by faxing the application to the fax number specified by the Minister in an instrument in writing for this subparagraph; or
 - (iv) if no instruments are in force under subparagraphs (i), (ii) and (iii)—at an office of Immigration in Australia.
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- (b) If an applicant is outside Australia, and paragraph (aa) does not apply, an application must be made at a diplomatic, consular or migration office maintained by or on behalf of the Commonwealth outside Australia.
 - (c) An applicant may be in or outside Australia, but not in immigration clearance.
 - (d) An application must specify:
 - (i) the person who has identified the applicant in a nomination for the purposes of section 140GB of the Act; and
 - (ii) that the person is:
 - (A) a long stay activity sponsor; or
 - (B) an exchange sponsor; or
 - (C) a sport sponsor; or
 - (D) a religious worker sponsor; or
 - (E) a person who has applied for approval as one of those sponsors but whose application has not yet been decided.
 - (e) An application by a person claiming to be a member of the family unit of a person who is an applicant for a Temporary Work (Long Stay Activity) (Class GB) visa may be made at the same time and place as, and combined with, an application by that person or any other member of the family unit who claims to be a member of the family unit of the primary applicant.
- (4) Subclasses:
- Subclass 401 (Temporary Work (Long Stay Activity))

1233. Training and Research (Class GC)

- (1) Form: 1402
- (2) Visa application charge:
 - (a) first instalment (payable at the time the application is made):

First instalment		
Item	Component	Amount
1	Base application charge	\$360
2	Additional applicant charge for an applicant who is at least 18	\$180
3	Additional applicant charge for an applicant who is less than 18	\$90
4	Additional applicant charge for an applicant: (a) who is at least 18; and (b) whose application is combined with an application made by an applicant seeking to satisfy the primary criteria for a Subclass 402 (Training and Research) visa in the Professional Development stream	Nil
5	Additional applicant charge for an applicant: (a) who is less than 18; and (b) whose application is combined with an application made by an applicant seeking to satisfy the primary criteria for a Subclass 402 (Training and Research) visa in the Professional Development stream	Nil

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(b) the second instalment (payable before grant of visa) is nil.

(3) Other:

(a) An application must be made:

- (i) for an applicant in a class of persons specified by the Minister in an instrument in writing for this subparagraph—by posting the application (with the correct pre-paid postage) to the post office box address specified in the instrument; or
- (ii) for an applicant in a class of persons specified by the Minister in an instrument in writing for this subparagraph—by having the application delivered by

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- courier service, or otherwise by hand, to the address specified in the instrument; or
- (iii) for an applicant in a class of persons specified by the Minister in an instrument in writing for this subparagraph—by faxing the application to the fax number specified in the instrument; or
- (iv) for an applicant in a class of persons specified by the Minister in an instrument in writing for this subparagraph—at a diplomatic, consular or migration office maintained by or on behalf of the Commonwealth outside Australia.
- (b) An application by a person claiming to be a member of the family unit of a person who is seeking to satisfy the primary criteria for the grant of a Training and Research (Class GC) visa may be made at the same time and place as, and combined with, an application by that person or any other member of the family unit who claims to be a member of the family unit of the primary applicant.
- (4) An applicant seeking to satisfy the primary criteria for a Subclass 402 (Training and Research) visa in the Occupational Trainee stream must meet the requirements in the table.

Item	Requirements
1	An applicant may be in or outside Australia, but not in immigration clearance
2	<p>If an applicant seeks to undertake a program of occupational training that will be provided by the Commonwealth, an application must specify:</p> <p>(a) the person who has agreed, in writing, to be the applicant's training and research sponsor or occupational trainee sponsor; and</p> <p>(b) that the person is:</p> <p>(i) a training and research sponsor; or</p> <p>(ii) an occupational trainee sponsor; or</p> <p>(iii) a person who has applied for approval as a training and research sponsor or an occupational trainee sponsor, but whose application has not yet been decided</p>

Item	Requirements
3	<p>If an applicant seeks to undertake a program of occupational training that will not be provided by the Commonwealth, an application must specify:</p> <p>(a) the person who has identified the applicant in a nomination for section 140GB of the Act; and</p> <p>(b) that the person is:</p> <p>(i) a training and research sponsor; or</p> <p>(ii) an occupational trainee sponsor; or</p> <p>(iii) a person who has applied for approval as a training and research sponsor or an occupational trainee sponsor, but whose application has not yet been decided</p>

- (5) An applicant seeking to satisfy the primary criteria for a Subclass 402 (Training and Research) visa in the Research stream must meet the requirements in the table.

Item	Requirements
1	An applicant may be in or outside Australia, but not in immigration clearance
2	<p>An application must specify:</p> <p>(a) the person who has agreed, in writing, to be the applicant's training and research sponsor or visiting academic sponsor; and</p> <p>(b) that the person is:</p> <p>(i) a training and research sponsor; or</p> <p>(ii) a visiting academic sponsor; or</p> <p>(iii) a person who has applied for approval as a training and research sponsor or visiting academic sponsor, but whose application has not yet been decided</p>

- (6) An applicant seeking to satisfy the primary criteria for a Subclass 402 (Training and Research) visa in the Professional Development stream must meet the requirements in the table.

Item	Requirements
1	An applicant must be outside Australia
2	An application must specify the person who has agreed in writing to be the applicant's professional development sponsor

(7) Subclasses:

Subclass 402 (Training and Research)

1234. Temporary Work (International Relations) (Class GD)

(1) Form: 1403

(2) Visa application charge:

(a) first instalment (payable at the time the application is made):

(i) for an applicant:

(A) to whom privileges and immunities are, or are expected to be, accorded under the *International Organisations (Privileges and Immunities) Act 1963* or the *Overseas Missions (Privileges and Immunities) Act 1995*; and

(B) who is expected to be recommended by the Foreign Minister for the grant of a visa;
or whose application is combined, or sought to be combined, with an application made by that person. the amount is nil; and

(ii) for an applicant who is a member of the family unit of an applicant mentioned in subparagraph (i), the amount is nil; and

(iii) for an applicant who:

(A) holds a valid diplomatic, official or service passport; and

(B) holds a third person note of support for the application from the government, or a government agency, of the applicant's home country;

or whose application is combined, or sought to be combined, with an application made by that person, the amount is nil; and

(iv) for an applicant:

(A) who is a member of the family unit of an applicant mentioned in subparagraph (iii); or

- (B) whose application is combined, or sought to be combined, with an application made by that person;
the amount is nil; and
- (v) for an applicant:
- (A) who is in a class of persons specified by the Minister in an instrument in writing for this subparagraph; or
- (B) whose application is combined, or sought to be combined, with an application made by that person;
the amount is nil; and
- (vi) for any other applicant:

First instalment		
Item	Component	Amount
1	Base application charge	\$360
2	Additional applicant charge for an applicant who is at least 18	Nil
3	Additional applicant charge for an applicant who is less than 18	Nil

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

- (b) the second instalment (payable before grant of visa) is nil.
- (3) Other:
- (a) If an applicant is in Australia, an application must be made by:
- (i) posting the application (with the correct pre-paid postage) to the post office box address specified by the Minister in an instrument in writing for this subparagraph; or
- (ii) having the application delivered by courier service, or otherwise by hand, to the address specified by the

Minister in an instrument in writing for this subparagraph; or

- (iii) faxing the application to the fax number specified by the Minister in an instrument in writing for this subparagraph.

- (b) If the applicant is outside Australia, an application must be made at a diplomatic, consular or migration office maintained by or on behalf of the Commonwealth outside Australia.
- (c) An applicant may be in or outside Australia, but not in immigration clearance.
- (d) An application by a person claiming to be a member of the family unit of a person who is an applicant for an Temporary Work (International Relations) (Class GD) visa may be made at the same time and place as, and combined with, an application by that person or any other member of the family unit who claims to be a member of the family unit of the primary applicant.

- (4) Subclasses:

Subclass 403 (Temporary Work (International Relations))

1235. Temporary Work (Entertainment) (Class GE)

- (1) Form: 1420

- (2) Visa application charge:

- (a) first instalment (payable at the time the application is made):

- (i) for an applicant who:

(A) is outside Australia at the time of application;
and

(B) appears to the Minister, on the basis of the information contained in the application, to have been identified in a nomination under section 140GB of the Act to perform as an entertainer in one or more specific engagements that are for non-profit purposes;

or whose application is combined, or sought to be combined, with an application made by that person, the amount is nil; and

(ii) for an applicant who:

- (A) is outside Australia at the time of application; and
- (B) appears to the Minister, on the basis of the information contained in the application, to have been identified in a nomination under section 140GB of the Act to support an entertainer, or a body of entertainers, in relation to one or more specific engagements that are for non-profit purposes;

or whose application is combined, or sought to be combined, with an application made by that person, the amount is nil; and

(iii) for an applicant who:

- (A) is outside Australia at the time of application; and
- (B) appears to the Minister, on the basis of the information contained in the application, to have been identified in a nomination under section 140GB of the Act by an entertainment sponsor that is an organisation funded wholly or in part by the Commonwealth and approved by the Secretary for this sub-subparagraph;

or whose application is combined, or sought to be combined, with an application made by that person, the amount is nil; and

(iv) for an applicant:

- (A) who is outside Australia at the time of application; and
 - (B) who is a member of an entertainment body that comprises at least 10 other applicants who make applications at the same time and place; and
 - (C) to whom none of subparagraphs (i) to (iii) applies;
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or whose application is combined, or sought to be combined, with an application made by that person:

First instalment		
Item	Component	Amount
1	Base application charge	\$3 600 divided by the number of applicants in the entertainment body
2	Additional applicant charge for an applicant who is at least 18	\$360
3	Additional applicant charge for an applicant who is less than 18	\$90

(v) for any other applicant:

First instalment		
Item	Component	Amount
1	Base application charge	\$360
2	Additional applicant charge for an applicant who is at least 18	\$360
3	Additional applicant charge for an applicant who is less than 18	\$90

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(b) the second instalment (payable before grant of visa) is nil.

(3) Other:

(a) An application must be made by:

- (i) posting the application (with the correct pre-paid postage) to the post office box address specified by the Minister in an instrument in writing for this subparagraph; or
- (ii) having the application delivered by courier service, or otherwise by hand, to the address specified by the

Minister in an instrument in writing for this subparagraph; or

- (iii) faxing the application to the fax number specified by the Minister in an instrument in writing for this subparagraph.

- (b) An applicant may be in or outside Australia, but not in immigration clearance.

- (c) An application must specify:

- (i) the person who has identified the applicant in a nomination for section 140GB of the Act; and

- (ii) that the person is:

- (A) an entertainment sponsor; or

- (B) a person who has applied for approval as an entertainment sponsor but whose application has not yet been decided.

- (d) An application by a person claiming to be a member of the family unit of a person who is an applicant for an Temporary Work (Entertainment) (Class GE) visa may be made at the same time and place as, and combined with, an application by that person or any other member of the family unit who claims to be a member of the family unit of the primary applicant.

- (4) Subclasses:

Subclass 420 (Temporary Work (Entertainment))

1236 Visitor (Class FA)

- (1) Form:

- (a) For an applicant seeking to satisfy the primary criteria for a Subclass 600 (Visitor) visa in the Tourist stream:

- (i) 1419; or

- (ii) if the applicant is in a class of persons specified by the Minister in an instrument in writing for this subparagraph—1419 (Internet).

Note: See subitem (3).

- (b) For an applicant seeking to satisfy the primary criteria for a Subclass 600 (Visitor) visa in the Sponsored Family stream:

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- (i) 1418 and 1149; or
- (ii) if the applicant is in a class of persons specified by the Minister in an instrument in writing for this subparagraph—1419 (Internet).

Note: See subitem (4).

- (c) For an applicant seeking to satisfy the primary criteria for a Subclass 600 (Visitor) visa in the Business Visitor stream:

- (i) 1415; or
- (ii) if the applicant is in a class of persons specified by the Minister in an instrument in writing for this subparagraph—1419 (Internet).

Note: See subitem (5).

- (d) For an applicant seeking to satisfy the primary criteria for a Subclass 600 (Visitor) visa in the Approved Destination Status stream: 48G or 48G (Electronic).

Note: See subitem (6).

(2) Visa application charge:

- (a) first instalment (payable at the time the application is made):

- (i) for an applicant who is in Australia at the time of application, the base application charge is \$335; and
- (ii) for an applicant who is outside Australia at the time of application, the base application charge is \$130; and
- (iii) for an applicant who applies in the course of acting as a representative of a foreign government, the amount is nil; and
- (iv) for an applicant in a class of persons specified by the Minister in an instrument in writing for this subparagraph, the amount is nil; and

- (b) the second instalment (payable before grant of visa) is nil.

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

Tourist stream—additional requirements

- (3) For an applicant seeking to satisfy the primary criteria for a Subclass 600 (Visitor) visa in the Tourist stream, the requirements in the table must be met.

Requirements	
Item	Requirements
1	If the applicant is in Australia, the application must be made in Australia
2	If the applicant is outside Australia, the application must be made outside Australia
3	The applicant may make an oral application for the visa only if the applicant: (a) is in Australia (but not in immigration clearance); and (b) holds: (i) a Subclass 600 (Visitor) visa; or (ii) a Subclass 676 (Tourist) visa

Note: Regulation 2.09 deals with oral applications.

Sponsored Family stream—additional requirements

- (4) For an applicant seeking to satisfy the primary criteria for a Subclass 600 (Visitor) visa in the Sponsored Family stream, the requirements in the table must be met.

Requirements	
Item	Requirements
1	The application must be made in a manner specified by the Minister in an instrument in writing for this item
2	The applicant must be outside Australia

Business Visitor stream—additional requirements

- (5) For an applicant seeking to satisfy the primary criteria for a Subclass 600 (Visitor) visa in the Business Visitor stream, the requirements in the table must be met.

Schedule 1 Classes of visa

Part 2 Temporary visas (other than bridging visas)

Requirements

Item Requirements

- | | |
|---|--|
| 1 | The application must be made outside Australia |
| 2 | The applicant must be outside Australia |

Approved Destination Status stream—additional requirements

- (6) For an applicant seeking to satisfy the primary criteria for a Subclass 600 (Visitor) visa in the Approved Destination Status stream, the requirements in the table must be met.

Requirements

Item Requirements

- | | |
|---|--|
| 1 | The applicant must be a citizen of PRC |
| 2 | The applicant must be in PRC at the time of application |
| 3 | The applicant must be intending to travel to Australia as a member of a tour organised by a travel agent specified by the Minister in an instrument in writing for this item |
| 4 | The application must be made at a diplomatic, consular or migration office maintained by or on behalf of the Commonwealth in PRC |

- (7) Subclasses:
Subclass 600 (Visitor)

Part 3—Bridging visas

1301. Bridging A (Class WA)

- (1) Form: 47SP, 47SP (Internet), 47CH, 47PA, 47PT, 47OF, 47SK (Internet), 47ES, 47BT, 47BU, 47SV, 147, 157A, 157A (Internet), 852, 866, 918, 1002, 1005, 1066, 1066 (Internet), 1066S (Internet), 1150, 1150E (Internet), 1208, 1276, 1276 (Internet), 1365, 1365 (Internet), 1383, 1393 (Internet), 1396 (Internet), 1397 (Internet), 1398 (Internet), 1401, 1402, 1403, 1408 (Internet), 1409, 1416 or 1420.
- (2) Visa application charge:
- (a) first instalment (payable at the time the application is made):

First instalment		
Item	Component	Amount
1	Base application charge	Nil
2	Additional applicant charge for an applicant who is at least 18	Nil
3	Additional applicant charge for an applicant who is less than 18	Nil

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

- (b) the second instalment (payable before grant of visa) is nil.
- (3) Other:
- (a) Application must be made in Australia but not in immigration clearance.
- (b) Applicant must be in Australia but not in immigration clearance.
- (c) Either:
- (i) the applicant has made a valid application for a substantive visa that has not been finally determined; or

- (ii) application has been made, within statutory time limits, for judicial review of a decision in relation to the applicant's substantive visa application, and the judicial review proceedings (including proceedings on appeal, if any) have not been completed.
 - (d) Applicant must:
 - (i) hold a substantive visa; or
 - (ii) hold a Bridging A (Class WA) or Bridging B (Class WB) visa and have held a substantive visa when he or she made the substantive visa application; or
 - (iii) have held a substantive visa when he or she made the substantive visa application referred to in paragraph (c); or
 - (iv) have previously held a Bridging A (Class WA) visa granted under regulation 2.21A in respect of the substantive visa referred to in paragraph (c).
 - (e) If the last substantive visa held by the applicant was cancelled:
 - (i) the decision to cancel that visa has been set aside by a review authority; or
 - (ii) if that visa was cancelled under section 137J of the Act:
 - (A) the cancellation has been revoked; or
 - (B) a decision not to revoke the cancellation has been set aside by a review authority.
 - (f) Applicant is not in immigration detention or criminal detention.
 - (g) Application by a person claiming to be a member of the family unit of a person who is an applicant for a Bridging A (Class WA) visa may be made at the same time and place as, and combined with, the application by that person.
- (4) Subclasses:
- 010 (Bridging A)
- Note 1: The Minister must grant a Bridging A (Class WA) visa in the circumstances set out in regulation 2.21A.
- Note 2: Regulation 2.07A sets out the circumstances in which an application for a substantive visa on a form mentioned in this item is not a valid

application for a Bridging A (Class WA), Bridging C (Class WC) or
Bridging E (Class WE) visa.

1302. Bridging B (Class WB)

- (1) Form: 1005 or 1006.
- (2) Visa application charge:
 - (a) first instalment (payable at the time the application is made):

First instalment		
Item	Component	Amount
1	Base application charge	\$140
2	Additional applicant charge for an applicant who is at least 18	Nil
3	Additional applicant charge for an applicant who is less than 18	Nil

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

- (b) the second instalment (payable before grant of visa) is nil.
- (3) Other:
 - (a) Application must be made in Australia but not in immigration clearance.
 - (b) Applicant must be in Australia but not in immigration clearance.
 - (ba) Applicant must be a person who is immigration cleared.
 - (bb) Applicant must not be:
 - (i) the holder of a Subclass 785 (Temporary Protection) visa, including a Subclass 785 (Temporary Protection) visa granted before 2 December 2013; or
 - (ii) a person whose last substantive visa was a Subclass 785 (Temporary Protection) visa, including a Subclass 785 (Temporary Protection) visa granted before 2 December 2013.

- (c) Applicant is not in immigration detention or criminal detention.
- (d) Application by a person claiming to be a member of the family unit of a person who is an applicant for a Bridging B (Class WB) visa may be made at the same time and place as, and combined with, the application by that person.

- (4) Subclasses:
 - 020 (Bridging B)

1303. Bridging C (Class WC)

- (1) Form: 47PT, 47SP, 47SP (Internet), 47CH, 47PA, 47OF, 47ES, 47BU, 47SV, 147, 157A, 852, 866, 918, 1002, 1005, 1066, 1066 (Internet), 1066S (Internet), 1096, 1150, 1150E (Internet), 1276, 1276 (Internet), 1383, 1393 (Internet), 1396 (Internet), 1397 (Internet), 1398 (Internet), 1401, 1402, 1403, 1408 (Internet), 1409, 1416 or 1420.
- (2) Visa application charge:
 - (a) first instalment (payable at the time the application is made):

First instalment		
Item	Component	Amount
1	Base application charge	Nil
2	Additional applicant charge for an applicant who is at least 18	Nil
3	Additional applicant charge for an applicant who is less than 18	Nil

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

- (b) the second instalment (payable before grant of visa) is nil.

- (3) Other:

- (a) Application must be made in Australia but not in immigration clearance.
 - (b) Applicant must be in Australia but not in immigration clearance.
 - (c) Either:
 - (i) the applicant has made a valid application for a substantive visa that has not been finally determined; or
 - (ii) both of the following apply:
 - (A) application has been made, within statutory time limits, for judicial review of a decision in relation to the applicant's substantive visa application, and the judicial proceedings (including proceedings on appeal, if any) have not been completed;
 - (B) the applicant held a Bridging C (Class WC) visa granted on the basis of the applicant's substantive visa application.
 - (ca) Applicant must be:
 - (i) a person who is immigration cleared; or
 - (ii) an eligible non-citizen referred to in subregulation 2.20(6).
 - (d) Applicant:
 - (i) was not the holder of a substantive visa when he or she made the substantive visa application referred to in paragraph (c); and
 - (ii) does not hold a Bridging E (Class WE) visa; and
 - (iii) has not held a Bridging E (Class WE) visa since he or she last held a substantive visa.
 - (e) Applicant is not in immigration detention or in criminal detention and has not escaped from either immigration detention or criminal detention.
 - (f) Application by a person claiming to be a member of the family unit of a person who is an applicant for a Bridging C (Class WC) visa may be made at the same time and place as, and combined with, the application by that person.
- (4) Subclasses:
- 030 (Bridging C)
-

Schedule 1 Classes of visa

Part 3 Bridging visas

Note: Regulation 2.07A sets out the circumstances in which an application for a substantive visa made on a form mentioned in this item is not a valid application for a Bridging A (Class WA), Bridging C (Class WC) or Bridging E (Class WE) visa.

1304. Bridging D (Class WD)

- (1) Form: 1007.
- (2) Visa application charge:
 - (a) first instalment (payable at the time the application is made):

First instalment		
Item	Component	Amount
1	Base application charge	Nil
2	Additional applicant charge for an applicant who is at least 18	Nil
3	Additional applicant charge for an applicant who is less than 18	Nil

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

- (b) the second instalment (payable before grant of visa) is nil.
- (3) Other:
 - (a) Application must be made in Australia but not in immigration clearance.
 - (b) Applicant must be in Australia but not in immigration clearance.
 - (ba) Applicant must be:
 - (i) a person who is immigration cleared; or
 - (ii) an eligible non-citizen referred to in subregulation 2.20(6).
 - (c) Applicant is not in immigration detention or criminal detention.

- (d) Application by a person claiming to be a member of the family unit of a person who is an applicant for a Bridging D (Class WD) visa may be made at the same time and place as, and combined with, the application by that person.

(4) Subclasses:

040 (Bridging (Prospective Applicant))

041 (Bridging (Non-applicant))

1305. Bridging E (Class WE)

- (1) Form: 47PT, 47SP, 47SP (Internet), 47CH, 47PA, 47OF, 47ES, 47BU, 47SV, 147, 157A, 852, 866, 918, 1002, 1005, 1008, 1066, 1066 (Internet), 1066S (Internet), 1096, 1150, 1150E (Internet), 1276, 1276 (Internet), 1383, 1401, 1402, 1403, 1409, 1416 or 1420.

(2) Visa application charge:

- (a) first instalment (payable at the time the application is made):

First instalment		
Item	Component	Amount
1	Base application charge	Nil
2	Additional applicant charge for an applicant who is at least 18	Nil
3	Additional applicant charge for an applicant who is less than 18	Nil

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

- (b) the second instalment (payable before grant of visa) is nil.

(3) Other:

- (a) Application must be made in Australia but not in immigration clearance.

- (b) Applicant must be in Australia but not in immigration clearance.
 - (ba) Applicant must be an eligible non-citizen within the meaning of section 72 of the Act.
 - (c) If applicant is in immigration detention, an officer appointed under subregulation 2.10A(2) as a detention review officer for the State or Territory in which the applicant is detained has been informed of the application.
 - (d) Application by a person claiming to be a member of the family unit of a person who is an applicant for a Bridging E (Class WE) visa may be made at the same time and place as, and combined with, the application by that person.
 - (e) If the applicant has applied at the same time and on the same form for a substantive visa, the application for the substantive visa is valid.
 - (f) The applicant has not previously held a Bridging E (Class WE) visa that has been cancelled by reason of a failure to comply with condition 8564 or 8566.
 - (g) The applicant has not previously held a visa that has been cancelled on a ground specified in paragraph 2.43(1)(p) or (q).
- (4) Subclasses:
- 050 (Bridging (General))
 - 051 (Bridging (Protection Visa Applicant))
- Note: Regulation 2.07A sets out the circumstances in which an application for a substantive visa made on a form mentioned in this item is not a valid application for a Bridging A (Class WA), Bridging C (Class WC) or Bridging E (Class WE) visa.

1306. Bridging F (Class WF)

- (1) Form: 1239.
- (2) Visa application charge:
 - (a) first instalment (payable at the time the application is made):

First instalment		
Item	Component	Amount
1	Base application charge	Nil
2	Additional applicant charge for an applicant who is at least 18	Nil
3	Additional applicant charge for an applicant who is less than 18	Nil

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(b) the second instalment (payable before grant of visa) is nil.

(3) Other:

- (a) Application must be made in Australia but not in immigration clearance.
- (b) Applicant must be in Australia but not in immigration clearance.
- (c) One of the following subparagraphs applies in relation to the applicant:
 - (i) the applicant does not hold a visa and has not held a Bridging F (Class WF) visa since he or she last entered Australia;
 - (ii) the applicant:
 - (A) does not hold a visa; and
 - (B) has held one Bridging F (Class WF) visa since last entering Australia; and
 - (C) has not held another visa since holding that visa;
 - (iii) the applicant holds a Bridging F (Class WF) visa, which is the first Bridging F (Class WF) visa held since he or she last entered Australia.
- (d) Either:
 - (i) an officer of the Australian Federal Police, or of a police force of a State or Territory, has told Immigration, in

writing, that the applicant has been identified as a suspected victim of human trafficking; or

- (ii) the applicant is a member of the immediate family of a person who an officer of the Australian Federal Police, or of a police force of a State or Territory, has told Immigration, in writing, has been identified as a suspected victim of human trafficking.

Note: *Member of the immediate family* is defined in regulation 1.12AA.

- (e) An officer of the Australian Federal Police, or of a police force of a State or Territory, has told Immigration, in writing, that suitable arrangements have been made for the care, safety and welfare of the applicant for the proposed period of the visa.
- (f) If the applicant is in immigration detention, the authorised officer to whom notice was given under subregulation 2.10B(2) has been informed of the lodgement of the application.
- (g) Application by a person claiming to be a member of the immediate family of a person who is an applicant for a Bridging F (Class WF) visa may be made at the same time and place as, and combined with, the application by that person.

(4) Subclasses:

060 (Bridging F)

Note: As an alternative to item 1306, an application for a Bridging F (Class WF) visa will be taken to have been validly made by a non-citizen if the application is made in accordance with subregulation 2.20B(2).

1307. Bridging R (Class WR)

- (1) Application must be taken to have been made in accordance with subregulation 2.20A(2).
- (2) Visa application charge:
 - (a) the first instalment (payable at the time the application is made) is nil; and
 - (b) the second instalment (payable before grant of visa) is nil.

(3) Subclasses:

070 (Bridging (Removal Pending))

Part 4—Protection, Refugee and Humanitarian visas

1401. Protection (Class XA)

- (1) Form: 866.
- (2) Visa application charge:
 - (a) first instalment (payable at the time the application is made):

First instalment		
Item	Component	Amount
1	Base application charge	\$35
2	Additional applicant charge for an applicant who is at least 18	Nil
3	Additional applicant charge for an applicant who is less than 18	Nil

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

- (b) the second instalment (payable before grant of visa) is nil.
- (3) Other:
 - (a) Application must be made in Australia.
 - (b) Applicant must be in Australia.
 - (c) Application by a person claiming to be a member of the family unit of a person who is an applicant for a Protection (Class XA) visa may be made at the same time and place as, and combined with, the application by that person.
 - (d) An application by a person for a Protection (Class XA) visa is valid only if the person:
 - (i) does not hold, and has not ever held, a Subclass 785 (Temporary Protection) visa, including such a visa granted before 2 December 2013; and

- (ii) does not hold, and has not ever held, a Temporary Safe Haven (Class UJ) visa; and
- (iii) does not hold, and has not ever held, a Temporary (Humanitarian Concern) (Class UO) visa; and
- (iv) held a visa that was in effect on the person's last entry into Australia; and
- (v) is not an unauthorised maritime arrival; and
- (vi) was immigration cleared on the person's last entry into Australia.

- (4) Subclasses:
866 (Protection)

1402. Refugee and Humanitarian (Class XB)

Note: Subregulation 2.07AM(3) sets out requirements for the making of applications by persons who are mentioned in subregulation 2.07AM(5).

- (1) Form: 842.
- (2) Visa application charge:
- (a) first instalment (payable at the time the application is made):
 - (i) for an applicant whose application includes a proposal by an approved proposing organisation described in Part 200, 201, 202, 203 or 204 of Schedule 2:

First instalment		
Item	Component	Amount
1	Base application charge	\$3 080
2	Additional applicant charge for an applicant who is at least 18	Nil
3	Additional applicant charge for an applicant who is less than 18	Nil

- (ii) for any other applicant:

First instalment		
Item	Component	Amount
1	Base application charge	Nil

Schedule 1 Classes of visa**Part 4** Protection, Refugee and Humanitarian visas

First instalment

Item	Component	Amount
2	Additional applicant charge for an applicant who is at least 18	Nil
3	Additional applicant charge for an applicant who is less than 18	Nil

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(b) second instalment (payable before grant of visa):

Second instalment

Item	Applicant	Amount
1	Applicant: (a) whose application includes a proposal by an approved proposing organisation described in Part 200, 201, 202, 203 or 204 of Schedule 2; and (b) who satisfies the primary criteria for the grant of the visa	\$18 910
2	Applicant: (a) whose application includes a proposal by an approved proposing organisation described in Part 200, 201, 202, 203 or 204 of Schedule 2; and (b) who satisfies the secondary criteria for the grant of the visa	\$3 080
3	Any other applicant	Nil

(3) Other:

- (a) Application by a person included in a class of persons specified by the Minister in an instrument in writing for this paragraph must be made by:
 - (i) posting the application (with the correct pre-paid postage) to the post office box address specified by the Minister; or
 - (ii) having the application delivered by a courier service to the address specified by the Minister.

Note: An application made under paragraph (a) is taken to have been made outside Australia—see regulation 2.07AM.

- (aa) Application by a person not included in a class of persons specified for paragraph (a) must be made outside Australia.
 - (b) Applicant must be outside Australia.
 - (ba) Applicant must not be a person mentioned in subregulation 2.07AM(5).
 - (c) Application by a person claiming to be a member of the family unit of a person who is an applicant for a Refugee and Humanitarian (Class XB) visa may be made at the same time and place as, and combined with, the application by that person.
- (3A) In addition to subitem (3), for an application that includes a proposal by an approved proposing organisation described in Part 200, 201, 202, 203 or 204 of Schedule 2:
- (a) the applicant may be a person who made a valid application for a visa, in accordance with form 842, before 1 June 2013 (whether or not the application was accompanied by form 681); and
 - (b) the application must include form 1417, completed by the approved proposing organisation; and
 - (c) an application that includes a proposal by an approved proposing organisation must not include form 681.

Note 1: This subitem commenced on 1 June 2013 as part of the Department's Community Proposal Pilot program. Applicants who made a valid application for a Refugee and Humanitarian (Class XB) visa, using form 842, before 1 June 2013 may make a new application for a Refugee and Humanitarian (Class XB) visa as part of that program, but are not required to do so.

Note 2 Applicants wishing to make a new application for a Refugee and Humanitarian (Class XB) visa as part of the Community Proposal Pilot program must not include form 681 as part of that application.

(4) Subclasses:

- 200 (Refugee)
- 201 (In-country Special Humanitarian)
- 202 (Global Special Humanitarian)
- 203 (Emergency Rescue)
- 204 (Woman at Risk)

1403. Temporary Protection (Class XD)

- (1) Form: 866.
- (2) Visa application charge:
 - (a) first instalment (payable at the time the application is made):
 - (i) for an applicant who is in immigration detention and has not been immigration cleared:

First instalment		
Item	Component	Amount
1	Base application charge	Nil
2	Additional applicant charge for an applicant who is at least 18	Nil
3	Additional applicant charge for an applicant who is less than 18	Nil

- (ii) for any other applicant:

First instalment		
Item	Component	Amount
1	Base application charge	\$35
2	Additional applicant charge for an applicant who is at least 18	Nil
3	Additional applicant charge for an applicant who is less than 18	Nil

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

- (b) the second instalment (payable before grant of visa) is nil.

- (3) Other:
 - (a) Application must be made in Australia.
 - (b) Applicant must be in Australia.
 - (c) Application by a person claiming to be a member of the family unit of a person who is an applicant for a Temporary Protection (Class XD) visa may be made at the same time

and place as, and combined with, the application by that person.

(d) An application by a person for a Temporary Protection (Class XD) visa is valid only if the person:

- (i) holds, or has ever held, a Temporary Protection (Class XD) visa or a Subclass 785 (Temporary Protection) visa, including such a visa granted before 2 December 2013; or
- (ii) holds, or has ever held, a Temporary Safe Haven (Class UJ) visa; or
- (iii) holds, or has ever held, a Temporary (Humanitarian Concern) (Class UO) visa; or
- (iv) did not hold a visa that was in effect on the person's last entry into Australia; or
- (v) is an unauthorised maritime arrival; or
- (vi) was not immigration cleared on the person's last entry into Australia.

(4) Subclasses:

785 (Temporary Protection)