

## Migration and Refugee Division Commentary

### Visitor visas

Current as at 19 September 2019

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# Visitor Visas – Overview

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## Overview

The group of visa classes known in the Tribunal as visitor visas include the Visitor, Electronic Travel Authority, Medical Treatment (Visitor) and Tourist visas. Visitor visas are granted to genuine visitors for tourism and recreational activities, for visiting relatives or friends, other non-work related purposes, or to undertake business visitor activities.

The visitor visa framework was streamlined to reduce the number of subclasses available for applications from 23 March 2013, but this restructuring was not intended to change who was eligible for a visitor visa.<sup>1</sup> The visa classes and subclasses available currently and historically are explained below.

## Types of visitor visas

### Current visa classes

There are currently five classes of visitor visas, including a number of subclasses. Some subclasses in current visa classes have been repealed, but visas may still be granted in respect of those subclasses if the visa application was made before the date of repeal; similarly for [repealed visa classes](#).

#### **Visitor (Class FA)**

The Visitor (Class FA) visa is a temporary visa allowing a stay in Australia of generally up to 3, 6 or 12 months.<sup>2</sup> The Subclass 600 Visitor visa is the only subclass of Class FA. It has five streams under which the visa may be granted:

- **Tourist** – to visit specified family or visit for non-business or non-medical purposes (sponsorship may be required)
- **Sponsored Family** – to visit specified family or visit for non-business or non-medical purposes (sponsorship is required)
- **Business Visitor** – to engage in a 'business visitor activity' as defined in r.1.03
- **Approved Destination Status** – PRC citizens residing in specified areas of PRC intending to travel for sightseeing and related activities in a tour organised by specified travel agents
- **Frequent Traveller** – to visit as a tourist or to engage in a 'business visitor activity' on multiple occasions for up to a period of 10 years<sup>3</sup>.

An applicant for the visa must meet the visa application requirements that are specific to the stream they are seeking. Each stream has its own visa criteria, and there are also common criteria that require the applicant to genuinely intend to stay temporarily, have adequate means of support, and meet public

<sup>1</sup> Migration Amendment Regulation 2013 (No.1) SLI 2013 No.32. See Explanatory Statement at 1.

<sup>2</sup> POLICY – MIGRATION REGULATIONS – OTHER > GenGuideH – Visitor visas – Visa application and related procedures: Granting visitor visas – FA-600 Stay Period (reissued 10/9/2016).

<sup>3</sup> This stream was introduced by the Migration Legislation (2016 Measures No. 5) Regulation F2016L01745. The amendments apply to visa applications made on or after 19 November 2016.

interest and special return criteria. A security may be required for sponsored applicants in the Tourist stream or Sponsored Family stream.<sup>4</sup> For more information, please see the MRD Legal Services commentary: [Subclass 600](#)

Subclass 600 effectively replaced the following four Subclasses from 23 March 2013: 676 Tourist, 679 Sponsored Family, 456 Business (Short Stay) and 459 Sponsored Business Visitor (Short Stay).<sup>5</sup>

### ***Medical Treatment (Visitor) (Class UB)***

The Subclass 602 Medical Treatment visa is the only visa subclass in Class UB. It is for persons seeking to visit or remain in Australia for medical treatment or related purposes. It may be granted for purposes including to obtain medical treatment (other than for surrogate motherhood), to donate an organ, to support another person having medical treatment, for a Papua New Guinea citizen to be treated in Queensland, or where an applicant aged 50 years or over is medically unfit to depart Australia.<sup>6</sup> Applications may be made by applicants in or outside Australia.<sup>7</sup> An application for the visa made in Australia by a person who is not the holder of a substantive visa must be accompanied by the documentation specified by the Minister in a legislative instrument.<sup>8</sup> The visa is generally subject to a 'no work' condition, but this may not apply in cases of financial hardship where the applicant has compelling personal reasons to work.<sup>9</sup> In general, the grant of the visa must not result in any disadvantage to an Australian citizen or permanent resident in obtaining medical treatment or consultation.<sup>10</sup>

Before 23 March 2013, the Medical Treatment (Visitor) visa class had two subclasses – 675 Medical Treatment (Short Stay), and 685 Medical Treatment (Long Stay), which generally provided for stays of up to three months and over three months respectively.<sup>11</sup> These two subclasses were effectively replaced by the Subclass 602 Medical Treatment visa from 23 March 2013.<sup>12</sup>

### ***Electronic Travel Authority (Class UD)***

The Subclass 601 Electronic Travel Authority visa is the only visa subclass in Class UD. It is an electronically stored authority for short-term visits to Australia of up to 3 months and is available to passport holders from a number of countries and regions. The applicant must hold an 'ETA-eligible passport' as defined in r.1.11B of the Migration Regulations 1994 (the Regulations) and must genuinely intend to visit Australia temporarily as a tourist or to engage in a 'business visitor activity' as defined.<sup>13</sup> This visa is stored electronically and does not require application forms, visa labels or stamps in the applicant's passport. The applicant must be outside Australia to apply (unless the application is made in immigration clearance).<sup>14</sup>

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<sup>4</sup> Clauses 600.225 and 600.235.

<sup>5</sup> SLI 2013 No.32.

<sup>6</sup> Subclauses 602.212(2), (3), (4), (5) and (6).

<sup>7</sup> Item 1214A of Schedule 1 to the Regulations. Note the form and manner requirements were amended by Migration Amendment (2015 Measures No.1) Regulation 2015 (SLI 2015, No.34) for applications on or after 18 April 2015.

<sup>8</sup> Paragraph 1214A(3)(e) of Schedule 1 to the Regulations. This requirement applies to applications made on or after 1 July 2017. The Minister has specified an approved form, that must be completed by a registered medical practitioner and include brief details of the proposed medical treatment. For the relevant instrument and approved form, see the 'SpecifiedDocMedTreatment' tab of the [Register of Instruments – Visitor Visas](#).

<sup>9</sup> Clause 602.611; cl.602.212(7).

<sup>10</sup> Clause 602.214.

<sup>11</sup> Clauses 675.215, 675.511 and 675.512; cl.685.215 and 685.511 (repealed by SLI 2013 No.32).

<sup>12</sup> SLI 2013 No.32

<sup>13</sup> Clauses 601.211 and 601.212.

<sup>14</sup> Subitem 1208A(3) of Schedule 1.

Subclass 601 replaced the three subclasses of Class UD that were available before 23 March 2013, which were closed to new applications from that date: Subclass 976 Electronic Travel Authority (Visitor), Subclass 956 Electronic Travel Authority (Business Entrant – Long Validity) and Subclass 977 Electronic Travel Authority (Business Entrant-Short Validity).<sup>15</sup>

### **Visitor (Class TV)**

The Subclass 651 eVisitor visa is the only visa subclass in Class TV. It is an electronically stored authority for visits to Australia for tourism or business purposes for up to 3 months and is available to passport holders from the European Union and a number of other European countries. The applicant must hold an 'eVisitor eligible passport' as defined in r.1.11C of the Regulations and must genuinely intend to visit Australia temporarily as a tourist or to engage in a 'business visitor activity' as defined.<sup>16</sup> It can be applied for online and does not require visa labels or stamps in the applicant's passport. The applicant must be outside Australia to apply.<sup>17</sup>

### **Tourist (Class TR)**

The Subclass 676 Tourist visa is the only subclass of visa in Class TR. It is for people who seek to visit or remain in Australia as a visitor for the purposes of visiting certain Australian citizen or permanent resident relatives, or for a purpose that is not related to business or medical treatment. Applications may be made by applicants in or outside Australia.<sup>18</sup>

From 23 March 2013, this subclass was largely replaced by the Class FA Subclass 600 Visitor visa in the Tourist Stream, but Subclass 676 was retained as a contingency in the event that internet applications for the Subclass 600 visa were not operational.<sup>19</sup> Application may now only be made on an internet form by persons specified by the Minister in a written instrument (see [Register of Instruments – Visitor Visas](#)).

Before 1 July 2005, the Subclass 676 visa was known as the Tourist (Short Stay) visa, but its name changed on 1 July 2005 when it was effectively merged with the former Subclass 686 Tourist (Long Stay) visa when Class TN was repealed.<sup>20</sup>

### **Repealed visa classes**

The following visitor visa classes have been repealed, preventing new applications from being made from the date of repeal. Visas may still be granted in respect of visa applications made before the date of repeal.

### **Sponsored Visitor (Class UL)**

The Sponsored Visitor class of visas was closed for new applications from 23 March 2013.<sup>21</sup> It contained two subclasses, 459 and 679:

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<sup>15</sup> SLI 2013, No.32.

<sup>16</sup> Clauses 651.211 and 651.212.

<sup>17</sup> Item 1218AA(3) of Schedule 1 to the Regulations. Note the form and manner requirements were amended by Migration Amendment (2015 Measures No.1) Regulation 2015 (SLI 2015, No.34) for applications on or after 18 April 2015.

<sup>18</sup> Item 1218 of Schedule 1.

<sup>19</sup> Explanatory Statement to SLI 2013 No.32 at 40.

<sup>20</sup> Migration Amendment Regulations 2005 (No. 3) (SLI 2005 No.133).

<sup>21</sup> Repealed by SLI 2013 No.32.

- **Subclass 459 Sponsored Business Visitor (Short Stay)** – was for individuals seeking to enter Australia temporarily for business purposes and granted a right to enter and remain in Australia for no more than 3 months. The applicant was required to show a need to be in Australia and be sponsored by an individual or organisation that fulfilled particular requirements under Schedule 2. From 23 March 2013, this visa was effectively replaced by the Subclass 600 Visitor visa in the Business Visitor stream and the Subclass 400 Temporary Work (Short Stay Activity) visa. For more information on legal issues relating to business visas, see the MRD Legal Services commentary: [Business and Skilled](#).
- **Subclass 679 Sponsored Family Visitor visa** – was for individuals seeking to visit family in Australia or for purposes not related to business or medical treatment for a period of up to 12 months. Sponsorship by a settled Australian citizen or permanent resident ‘relative’ as defined under r.1.03 of the Regulations, or by other permitted individuals or parties was required.<sup>22</sup> From 23 March 2013, this visa was effectively replaced by the Sponsored Family stream of the Subclass 600 visa.

### **Tourist (Class TN)**

Class TN was closed for new applications from 1 July 2005.<sup>23</sup> It contained the Tourist (Long Stay) Subclass 686. From 1 July 2005, this subclass was effectively incorporated into the Subclass 676 Tourist visa in the Tourist (Class TR) visa class.

### **Circumstances applicable to grant**

Generally, where the application for a visitor visa was made in Australia, the applicant must be in Australia at time of grant.<sup>24</sup> For visa applications made outside of Australia, the applicant must be outside Australia at the time of grant.<sup>25</sup> For Subclass 600 applications in the Approved Destination Status scheme, the applicant must be in the PRC at the time of visa grant.<sup>26</sup>

### **When visas are in effect**

Subclass 600, 602 and 676 visas can be granted for periods as specified by the Minister. With the exception of the Subclass 600 visa Frequent Traveller stream<sup>27</sup>, there is no limit to the validity of these visas or the length of stay specified in the Regulations, but Departmental policy provides the following guidance in relation to the Subclass 600 Visitor visa streams:

- Tourist stream

<sup>22</sup> Clause 679.214.

<sup>23</sup> Repealed by SLI 2005, No.133.

<sup>24</sup> Clauses 600.411, 602.411, 676.413. Where an application for a Subclass 601 visa is made in immigration clearance, the applicant must be in immigration clearance at the time of grant: cl.601.411.

<sup>25</sup> Clauses 600.412, 601.412, 602.412, 651.411 and 676.411.

<sup>26</sup> Clause 600.413.

<sup>27</sup> Clause 600.512(2) which limits the validity of the visa up to 10 years and length of stay for each visit to 3 months.

- Valid – standard 12 months from the date of grant, up to 5 years if low risk of using the visa to establish de facto residence in Australia. It is also policy that Gulf nationals can be granted a visa with up to 2 years travel period with multiple entry if appropriate.<sup>28</sup>
- Stay period – tourist stream visas allowing 3, 6 or 12 months stay in Australia should be granted in accordance with the applicant's request. Stays beyond 12 consecutive months may be permitted in exceptional circumstances. For applicants in Australia, stays up to a total of 12 months consecutive stay, unless exceptional circumstances.<sup>29</sup>
- Sponsored Family stream
  - Valid – Generally 3 months, up to 12 months if satisfied applicant will abide by visa conditions.<sup>30</sup>
  - Stay period – usual period is 3 months, no stay longer than sponsorship period indicated by sponsor, 12 months only in exceptional circumstances.<sup>31</sup>
- Business Visitor stream
  - Valid – up to 2-3 years for low risk business visitors.<sup>32</sup>
  - Stay period – 3 months.<sup>33</sup>

Furthermore, if the grant of a Subclass 600 visa (including where it is consecutive with other visitor, working holiday, work and holiday, or bridging visas) would permit a person to stay in Australia more than 12 months, exceptional circumstances are required.<sup>34</sup>

The Subclass 601 Electronic Travel Authority and 651 eVisitor visas are generally valid for 12 months after the day of grant for multiple entries into Australia, each with a maximum stay of up to 3 months.<sup>35</sup>

### Conditions attached to visitor visas

Most visitor visas are subject to condition 8101 which prohibits work in Australia, except in certain cases of financial hardship and compelling reasons.<sup>36</sup> Subclass 601 and 651 visas, and Subclass 600 visas in

<sup>28</sup> POLICY – MIGRATION REGULATIONS – OTHER > GenGuideH - Visitor visas - Visa application and related procedures - FA-600 visa travel period – Tourist stream (reissued 10/09/2016)

<sup>29</sup> POLICY – MIGRATION REGULATIONS – OTHER > GenGuideH - Visitor visas - Visa application and related procedures - FA-600 stay periods (reissued 10/09/2016)

<sup>30</sup> POLICY – MIGRATION REGULATIONS – OTHER > GenGuideH - Visitor visas - Visa application and related procedures - FA-600 visa travel period – Sponsored Family stream (reissued 10/09/2016)

<sup>31</sup> POLICY – MIGRATION REGULATIONS – OTHER > GenGuideH - Visitor visas - Visa application and related procedures - FA-600 stay periods – Sponsored Family stream (reissued 10/09/2016)

<sup>32</sup> POLICY – MIGRATION REGULATIONS – OTHER > GenGuideH - Visitor visas - Visa application and related procedures - FA-600 visa travel period – Business Visitor stream (reissued 10/09/2016)

<sup>33</sup> POLICY – MIGRATION REGULATIONS – OTHER > GenGuideH - Visitor visas - Visa application and related procedures - FA-600 stay periods – Business Visitor stream (reissued 10/09/2016)

<sup>34</sup> Clause 600.215.

<sup>35</sup> Clauses 601.511 and 651.511.

<sup>36</sup> Clauses 600.611, 600.612, 600.614, 602.611, 676.611 and 676.613. The 'no work' condition does not apply in cases of financial hardship and compelling reasons for Subclass 602 visas, Subclass 676 visas and Subclass 600 visas in the Tourist stream where the applicant is not sponsored.

the Business Visitor stream and Frequent Traveller stream are instead subject to condition 8115, which prohibits work other than a 'business visitor activity' as defined in r.1.03.<sup>37</sup>

Visitor visas are also generally subject to condition 8201, which limits study or training in Australia to a maximum period of 3 months.<sup>38</sup>

Subclasses 600, 602 and 676 may be subject to condition 8503 (or may have it imposed), which provides that the visa holder will not be entitled to be granted a substantive visa, other than a protection visa, while he or she remains in Australia.<sup>39</sup>

Subclass 600 visas in the Tourist stream, where the applicant is not sponsored and does not meet financial hardship criteria, may have conditions 8501 (requiring health insurance) and 8558 (limiting stay to a maximum of 12 months in an 18 month period) imposed.<sup>40</sup>

Subclass 600 visas in the Sponsored Family stream, the Tourist stream (where sponsored) and Frequent Traveller stream are subject to condition 8531, which prohibits the visa holder from remaining in Australia after the end of the period of stay permitted by the visa.<sup>41</sup>

Subclasses 601 and 651 are subject to conditions 8527 and 8528 which prohibit the visa holder from having tuberculosis or certain criminal convictions.<sup>42</sup> Subclass 600 Frequent Traveller stream visas are also subject to new conditions 8572 (medical assessment) and 8573 (limit of stay in Australia of up to 12 months in any 24 month period).<sup>43</sup>

## Merits review

Decisions to refuse to grant the following kinds of visitor visas are generally reviewable by the Tribunal, and some may be reviewable under more than one subsection of s.338 where there is a sponsorship requirement or where the purpose is to visit a relative in Australia.<sup>44</sup>

- Subclass 600 Visitor – in the Tourist stream
- Subclass 600 Visitor – in the Sponsored Family stream
- Subclass 602 Medical Treatment – onshore applicant
- Subclass 676 Tourist

<sup>37</sup> Clauses 600.613, 601.611 and 651.611.

<sup>38</sup> Clauses 600.611, 600.612, 600.613, 600.615, 601.611, 602.611, 651.611, 676.611 and 676.613. Subclass 600 visas in the Approved Destination Status scheme are instead subject to condition 8207, which prohibits any studies or training in Australia: cl.600.614.

<sup>39</sup> Clauses 600.611, 600.612, 600.613, 600.614, 600.615, 602.612, 676.611 and 676.613.

<sup>40</sup> Clause 600.611.

<sup>41</sup> Clauses 600.611 and 600.612.

<sup>42</sup> Clauses 601.611 and 651.611.

<sup>43</sup> Clause 600.615.

<sup>44</sup> Subsections 338(2), (5) and (7). Decisions to refuse the repealed subclasses 459 and 679 and onshore applications for Subclasses 675 and 685 are also generally reviewable under these provisions.



Decisions to refuse to grant the following kinds of visitor visas are not reviewable by the Tribunal because they are applied for while the applicant is outside the migration zone or in immigration clearance and do not include a criterion for a relevant sponsorship or visiting a relative:

- Subclass 600 Visitor – in the Business Visitor stream
- Subclass 600 Visitor – in the Approved Destination Status stream
- Subclass 600 Visitor – in the Frequent Traveller stream
- Subclass 601 Electronic Travel Authority
- Subclass 602 Medical Treatment – offshore applicant
- Subclass 651 eVisitor

A decision to require a security in relation to an applicant for a visitor visa is not reviewable by the Tribunal because the relevant criteria are not criteria described in r.4.02(4)(f)(ii).<sup>45</sup>

Decisions to cancel visitor visas are generally reviewable by the Tribunal where the former holder of the visa is still in Australia but not in immigration clearance at the time of the cancellation.<sup>46</sup>

#### Relevant legislative amendments

Title	Reference number
<a href="#">Migration Amendment Regulations 2005 (No. 3)</a>	SLI 2005 No. 133
<a href="#">Migration Amendment Regulation 2013 (No.1)</a>	SLI 2013, No.32
<a href="#">Migration Amendment (2015 Measures No.1) Regulation 2015</a>	SLI 2015, No.34
<a href="#">Migration Legislation Amendment (2016 Measures No. 5) Regulation 2016</a>	F2016L01745
<a href="#">Migration Legislation Amendment (2017 Measures No.3) Regulations 2017</a>	F2017L00816

#### Available decision templates

The following decision templates are available:

- **Subclass 600 Visa Refusal – Genuine Visit** – this template is suitable for Subclass 600 Visitor (Class FA) visa refusals for visa applications made from 23 March 2013, and where the sole

<sup>45</sup> A decision that relates to requiring a security is reviewable by the Tribunal only if it *also* relates to a refusal to grant a visa which has a criterion to the effect that if an authorised officer has required a security for compliance with any conditions that will be imposed on the visa if granted, the security has been lodged: r.4.02(4)(f)(ii). The criteria relating to securities for Subclass 600 visas (cl. 600.225 and 600.235) and the repealed Subclass 459 and 679 visas (cl. 679.227 and 459.224) do not meet this description because they do not state that they concern securities for compliance with conditions that will be imposed.

<sup>46</sup> Subsection 338(3).

issue under consideration is whether the applicant genuinely intends to stay temporarily in Australia for the purpose for which the visa is granted.

- **Subclass 602 Visa Refusal** – this template is suitable for Subclass 602 Medical Treatment (Visitor) (Class UB) visa refusals for visa applications made from 23 March 2013. It includes optional paragraphs addressing the following issues: cl.602.211 (medical or related purposes), cl.602.212(2) (seeks to obtain medical treatment), cl.602.212(6) (unfit to depart), cl.602.213 (Schedule 3) (for visa applications made prior to 1 July 2017), cl.602.214 (no disadvantage), cl.602.215 (genuine intention to stay) and cl.602.216 (adequate means of support).
- **Optional Standard Paragraphs – Visitor Cases** – there is an optional paragraph available setting out the relevant law in relation to Public Interest Criterion 4011, also known as the ‘risk factor’ criterion.

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# Subclass 600 (Visitor) Visa

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## Overview

This commentary provides an overview of the Subclass 600 (Visitor) visa, which is the only subclass in the Visitor (Class FA) visa class. The Subclass 600 (Visitor) visa was introduced on 23 March 2013 as a simplified visitor visa to replace four visitor visas – Subclasses 676 (Tourist), 679 (Sponsored Family Visitor), 456 (Business (Short Stay)) and 459 (Sponsored Business Visitor).<sup>1</sup>

There are five streams in the Subclass 600 (Visitor) visa:

- **Tourist** – to visit specified family or visit for non-business or non-medical purposes (sponsorship may be required)
- **Sponsored Family** – to visit specified family or visit for non-business or non-medical purposes (sponsorship is required)
- **Business Visitor** – to engage in a ‘business visitor activity’ as defined in r.1.03
- **Approved Destination Status** – PRC citizens residing in specified areas of PRC intending to travel for sightseeing and related activities in a tour organised by specified travel agents
- **Frequent Traveller** – specified passport holders<sup>2</sup> to visit as a tourist or to engage in a business visitor activity on multiple occasions for up to a period of 10 years with a maximum stay of up to 3 months each visit<sup>3</sup>. This stream is currently only available to applicants who are nationals of the PRC,<sup>4</sup> but is expected to be expanded to allow nationals of other countries to apply following evaluation.<sup>5</sup>

An application for a Subclass 600 (Visitor) visa must be made for one stream only, and is only to be assessed against the criteria for that stream.<sup>6</sup> Applicants are required to meet the common criteria, as well as the criteria specific for the stream in which they have applied. All applicants are required to meet the primary criteria, and there are no secondary criteria.

The Regulations also provide for priority processing of Subclass 600 visas upon payment of a fee for nationals holding a valid passport of a kind specified by instrument in the Tourist stream and Business Visitor streams.<sup>7</sup> Requests for priority processing of a visa application by the Department in accordance with these arrangements do not have any impact upon, or impose any obligation in relation to, review of a decision to refuse to grant a visa by the Tribunal.

<sup>1</sup> Migration Amendment Regulation 2013 (No. 1), SLI 2013, No. 32. See Explanatory Statement to Migration Amendment Regulation 2013 (No.1), SLI 2013, No. 32, pp.1, 40, 44, 45, 50. Contact MRD Legal Services for further information about these visa subclasses.

<sup>2</sup> Subitem 1236(6A) of Schedule 1 as inserted by Migration Legislation Amendment (2016 Measures No. 5) Regulation 2016 (F2016L01745). The amendments apply to visa applications made on or after 19 November 2016: item 5801 of Schedule 3.

<sup>3</sup> cl.600.261, cl.600.512. as amended by F2016L01745. The amendments apply to visa applications made on or after 19 November 2016.

<sup>4</sup> As specified for subitem 1236(6A) by instrument. See the ‘VisApp(ClassFA)’ tab of the MRD Legal Services Commentary [Register of Instruments – Visitor Visas](#) for the relevant instrument.

<sup>5</sup> Explanatory Statement to the Migration Legislation Amendment (2016 Measures No. 5) Regulation 2016 (F2016L01745), p.5.

<sup>6</sup> Explanatory Statement to SLI 2013, No. 32, p.17.

<sup>7</sup> Migration Amendment (Priority Consideration of Certain Visa Applications) Regulation 2016 (F2016L00295) inserts Division 2.2B – Priority consideration of certain visa applications on request (r.2.12M-r.2.12P) and apply to a visa application made on or after 15 March 2016. Relevant passports and visa categories have been specified by instrument According to the Explanatory Statement to F2016L00295, DIBP will trial the process for certain Chinese nationals on the basis that it may appeal to affluent Chinese nationals who may wish to travel to Australia at short notice. Division 2.2B has no connection to the expedited review provisions in r.4.23 which apply to the Tribunal.

## Requirements for valid visa application – Schedule 1 requirements

The requirements for making a valid application for a Visitor (Class FA) visa are set out at item 1236 of Schedule 1 to the Migration Regulations 1994 (the Regulations). There are separate requirements for making a valid application for each stream, but in short, an application is validly made if:

- it is made on the prescribed form;<sup>8</sup>
- it is made at the prescribed place and in the prescribed manner;<sup>9</sup> and
- the visa application charge (VAC) is met.<sup>10</sup> The VAC is payable at the time of application, and depends on whether the applicant is in or outside Australia at the time of application and the stream in which the application is made.<sup>11</sup> There is nil VAC payable for applicants applying for a visa in the course of acting as a representative of a foreign government, and for classes of persons specified in a written instrument.<sup>12</sup> For onshore visa applications made from 1 July 2013, where the applicant previously held a specified kind of temporary substantive visa applied for onshore, a subsequent temporary application charge may also be payable.<sup>13</sup>

## Visa criteria – Schedule 2 requirements

Applicants seeking to satisfy the primary criteria for a Subclass 600 visa are required to satisfy the common criteria, as well as the criteria for the specific stream in which they have applied. All applicants are required to meet the primary criteria for the visa; there are no secondary criteria for family members. The primary criteria must be satisfied at the time of decision.<sup>14</sup>

### Common criteria – Subdivision 600.21

The common criteria in Subdivision 600.21 must be satisfied by all applicants seeking to satisfy the primary criteria for a Subclass 600 visa. The common criteria require that: the applicant genuinely intends to stay temporarily in Australia for the purpose for which the visa is granted, having regard to

<sup>8</sup> Subitem 1236(1). For applications made on or after 18 April 2015, the approved form is that specified in an instrument under r.2.07(5): Migration Amendment (2015 Measures No.1) Regulation 2015 (SLI 2015, No.34). See the 'VisApp(ClassFA)' tab of the MRD Legal Services Commentary [Register of Instruments – Visitor Visas](#) for the relevant written instrument. For applications made before that date, the approved form was specified in subitem 1236(1) itself, namely Form 1419 or, for specified persons, 1419 (Internet), for the Tourist stream; Form 1418 or 1149 or, for specified persons, 1419 (Internet), for the Sponsored Family stream; Form 1415 or, for specified persons, 1419 (Internet), for the Business Visitor stream; or Form 48G or 48G (Electronic) for the Approved Destination stream. Form 1419 (Internet) only applies where specified in a written instrument. See the 'InternetApp(ClassFA)' tab of the MRD Legal Services Commentary [Register of Instruments – Visitor Visas](#) for the relevant written instrument.

<sup>9</sup> See subitems 1236(3), (4), (5),(6) and (6A) of Schedule 1 to the Regulations. For applications made before 18 April 2015, the requirements were set out in Item 1236 and related to matters including the location of the applicant and application, persons who could make oral applications in the Tourist stream and specific requirements for persons who could apply in the Approved Destination stream amongst other things. For applications made on or after 18 April 2015, the application must be made as specified in a legislative instrument under r.2.07(5): SLI 2015, No.34. See the 'InternetApp(ClassFA)' tab of the MRD Legal Services Commentary [Register of Instruments – Visitor Visas](#) for the relevant written instrument.

<sup>10</sup> Subitem 1236(2).

<sup>11</sup> Subitem 1236(2).

<sup>12</sup> Subitem 1236(2)(a); see the 'NilVac' tab of the MRD Legal Services Commentary [Register of Instruments – Visitor Visas](#) for the relevant written instrument.

<sup>13</sup> r.2.12C as substituted by the Migration Amendment (Visa Application Charge and Related Matters) Regulation 2013 (SLI 2013 no.118); see also the 'SubTempVAC' tab for the r.2.12C(5) instrument in the MRD Legal Services Commentary [Register of Instruments – Miscellaneous and Other Visa Classes](#).

<sup>14</sup> See note to Division 600.2, which provides that the primary criteria must be satisfied by all applicants, and that all criteria must be satisfied at the time a decision is made on the application.

relevant factors;<sup>15</sup> the applicant has adequate means, or access to adequate means, to support themselves in Australia;<sup>16</sup> the applicant satisfies certain public interest criteria (PIC)<sup>17</sup> and special return criteria;<sup>18</sup> and there must be exceptional circumstances for the grant of the visa, if the grant of the visa would result in the applicant being authorised to stay in Australia for more than 12 consecutive months as the holder of certain visas.<sup>19</sup>

### **Criteria for specific streams – Subdivisions 600.22 to 600.25**

In addition to the common criteria, applicants seeking to satisfy the primary criteria for a Subclass 600 visa must also satisfy the criteria for the stream in which they have applied for the visa. Applicants are to be assessed only against the criteria for the specific stream in which they have applied.<sup>20</sup>

#### ***Tourist stream***

The Tourist stream criteria are set out in Subdivision 600.22 and require that: the applicant intends to visit or remain in Australia to visit a specified Australian relative, or for any other purpose that is not related to business or medical treatment;<sup>21</sup> the visa is not sought for the purpose of commencing, continuing or completing a registered course in which the applicant is enrolled if in Australia as the holder of a student visa;<sup>22</sup> the applicant has not held certain types of visas if in Australia at the time of application;<sup>23</sup> the applicant meets sponsorship requirements, if so required;<sup>24</sup> and if sponsored, a security to be lodged, if so required.<sup>25</sup>

#### ***Sponsored Family stream***

The Sponsored Family stream criteria are set out in Subdivision 600.23 and require that: the applicant intends to visit Australia to visit a specified Australian relative, or for any other purpose that is not related to business or medical treatment;<sup>26</sup> the applicant meets sponsorship requirements, including being sponsored by a specified Australian relative, a member of Parliament or Legislative Assembly, a mayor, or a government agency or instrumentality;<sup>27</sup> and a security to be lodged, if so required.<sup>28</sup>

#### **Sponsor's relationship to applicant**

The applicant must be sponsored by a person who at least 18 years old, is a settled Australian citizen/permanent resident and is:

- a relative of the applicant;<sup>29</sup> or
- a relative of another applicant who is a member of the family unit of the applicant;<sup>30</sup> or

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<sup>15</sup> cl.600.211.

<sup>16</sup> cl.600.212.

<sup>17</sup> cl.600.213.

<sup>18</sup> cl.600.214.

<sup>19</sup> cl.600.215.

<sup>20</sup> Explanatory Statement to SLI 2013, No. 32, p.17

<sup>21</sup> cl.600.221.

<sup>22</sup> cl.600.222.

<sup>23</sup> cl.600.223.

<sup>24</sup> cl.600.224.

<sup>25</sup> cl.600.225.

<sup>26</sup> cl.600.231.

<sup>27</sup> cls.600.232-234.

<sup>28</sup> cl.600.235.

<sup>29</sup> cl.600.232(2)(a).

<sup>30</sup> cl.600.232(2)(b).

- a relative of another applicant in relation to whom the applicant is a member of the family unit.<sup>31</sup>

Determining whether or not the applicant has been sponsored by a 'relative' requires consideration of the definition of 'relative' in r.1.03 of the Regulations, which includes a 'close relative' or a grandparent, grandchild, aunt, uncle, niece or nephew, or a step-grandparent, step-grandchild, step-aunt, step-uncle, step-niece or step-nephew, and in the case of a Subclass 200 (Refugee) visa<sup>32</sup> or a Protection visa, a first or second cousin.<sup>33</sup> 'Close relative' is also defined in r.1.03 and includes the partner<sup>34</sup> of the person, a child (including adopted child),<sup>35</sup> 'parent', brother or sister of the person (and their 'step' equivalents). Member of the family unit is defined in r.1.12 and the applicable definition depends on the date of visa application.<sup>36</sup>

Confusion may arise in interpreting cl.600.232(2)(b) and (c). In each situation the sponsor is a relative of another applicant (first applicant). The difference lies in terms of whose family unit each applicant must be a member:

- Clause 600.232(2)(b)<sup>37</sup> provides for the situation where the first applicant is a member of the family unit<sup>38</sup> of the sponsor; whereas,
- Clause 600.232(2)(c)<sup>39</sup> provides for the situation where the second applicant is a member of the family unit of the first applicant.

The convoluted relationship provisions are necessary to overcome difficulties associated with the definition of 'relative' in r.1.03,<sup>40</sup> in circumstances where family members are visiting Australia together. PAM3 gives the following illustrations of the circumstances in which the application of cl.600.232(2)(b) and (c) will result in different outcomes:

- An example of where cl.600.232(2)(b) is engaged includes where a niece of the sponsor has applied for a visa with a parent who is not a blood relation of the sponsor. The parent who is not a blood relation is the sponsor's brother-in-law or sister-in-law and, under r.1.03 is not a relative of the sponsor. The niece is a relative of the sponsor. Because the niece is a member of the family unit of her parent, the parent (the sister-in-law/brother in law) is also able to be sponsored.

<sup>31</sup> cl.600.232(2)(c).

<sup>32</sup> Note this is not a Part 5 reviewable decision.

<sup>33</sup> Note for applications made prior to 16 December 2014 subclause (a) refers to a Protection (Class XA) visa. For applications made on or after that date, and for those applicants who are taken to have made an application for a Temporary Protection (Class XD) visa by operation of r.2.08F(1)(b); per item 5000, of Schedule 2, Part 4 No.135, 2014.

<sup>34</sup> The partner reference in this definition varies depending upon when the visa application was made. For visa applications made prior to 1 July 2009 the reference is to 'spouse' as defined in r.1.15A as it was prior to 1 July 2009 (ie as including married and opposite sex de facto relationships). For visa applications made on or after 1 July 2009, the reference is to 'spouse or de facto partner' which is defined for these purposes in s.5F of the Act (ie married relationships), and in s.5CB (ie same sex or opposite sex partners): as amended by SLI 2009, No.144.

<sup>35</sup> For visa applications made prior to 1 July 2009, the definition specifically referred to 'adopted child' as defined in r.1.04. For visa applications made on or after 1 July 2009, the definition of child in the Act includes 'adopted child' (s.5CA as inserted by the *Same-Sex Relationships (Equal Treatment in Commonwealth Laws – General Law Reform) Act 2008*). Thus, for both pre and post 1 July 2009 visa applications, an adopted child is a close relative.

<sup>36</sup> For further guidance see [MRD Legal Services Commentary: Member of A Family Unit \(regulation 1.12\)](#).

<sup>37</sup> Specifically cl.600.232(2) refers to an applicant who "is sponsored by a settled Australian citizen, or a settled Australian permanent resident, who is at least 18 and: ... (b) a relative of another applicant who is a member of the family unit of the applicant; or..."

<sup>38</sup> r.1.03 provides that the definition of 'member of the family unit' is in r.1.12. Regulation 1.12 also provides the definition of 'member of the family unit' for the purposes of s.5 of the Act.

<sup>39</sup> Specifically cl.600.232(2) refers to an applicant who "is sponsored by a settled Australian citizen, or a settled Australian permanent resident, who is at least 18 and: ... (c) a relative of another applicant in relation to whom the applicant is a member of the family unit."

<sup>40</sup> For further guidance on the definition of 'relative', see MRD Legal Services Commentary: [Familial Relationships](#).

- An example of where cl.600.232(2)(c) is engaged includes where the sponsor's uncle and the uncle's child have applied for the visa. Under the r.1.03 definition, the uncle is a relative of the sponsor but the uncle's child is not, because the child is the cousin of the sponsor and cousins are not included in the r.1.03 definition of 'relative'. However, because the cousin is a member of the family unit of the uncle and the uncle has also applied for a visa, the cousin may also be sponsored.<sup>41</sup>

### **Business Visitor stream**

The Business Visitor stream criteria are set out in Subdivision 600.24 and require that: the applicant intends to visit Australia to engage in a 'business visitor activity';<sup>42</sup> and the applicant does not intend to engage in activities that will have adverse consequences for employment or training opportunities, or conditions of employment, for Australian citizens or permanent residents.<sup>43</sup>

### **Approved Destination Status stream**

The Approved Destination Status stream criteria are set out in Subdivision 600.25 and require that: the applicant is a citizen of PRC and is resident in an area of PRC specified in a written instrument;<sup>44</sup> the applicant intends to travel to Australia as a member of a tour organised by a travel agent specified in a written instrument;<sup>45</sup> the applicant intends to travel to Australia for the purpose of sightseeing and related activities;<sup>46</sup> and a statement of the travel and touring arrangements has been provided.<sup>47</sup>

### **Frequent Traveller stream**

The Frequent Traveller stream criteria are set out in Subdivision 600.26 and require that: the applicant intends to visit Australia as a tourist or to engage in a business visitor activity,<sup>48</sup> and the applicant does not intend to engage in activities that will have adverse consequences for employment or training opportunities, or conditions of employment, for Australian citizens or permanent residents.<sup>49</sup>

### **Circumstances applicable to grant**

If the applicant is in Australia at the time of application, the applicant must be in Australia at time of grant.<sup>50</sup> If the applicant is outside Australia at the time of application, the applicant must be outside Australia at the time of grant.<sup>51</sup> Applicants in the Approved Destination Status stream must be in PRC at the time of grant.<sup>52</sup>

### **When visa is in effect**

Subclass 600 visas can be granted for periods as specified by the Minister. Subclass 600 visas in the Frequent Traveller stream can be granted for up to 10 years allowing the visa holder multiple entries

<sup>41</sup> PAM3: GenGuideH – Visitor visas – Visa application and related procedures - Sponsored Family stream valid application requirements – Who can be sponsored (re-issue date 10/9/16).

<sup>42</sup> cl.600.241. 'Business visitor activity' is defined in r.1.03.

<sup>43</sup> cl.600.242.

<sup>44</sup> cl.600.251. See the 'TravelAgentsPRC' tab of the MRD Legal Services Commentary: [Register of Instruments – Visitor Visas](#).

<sup>45</sup> cl.600.252. See the 'VisApp(ClassFA)' tab of the MRD Legal Services Commentary: [Register of Instruments – Visitor Visas](#).

<sup>46</sup> cl.600.253.

<sup>47</sup> cl.600.254.

<sup>48</sup> cl.600.261.

<sup>49</sup> cl.600.262.

<sup>50</sup> cl.600.411.

<sup>51</sup> cl.600.412.

<sup>52</sup> cl.600.413.



to Australia with a maximum stay of up to 3 months each entry.<sup>53</sup> There is no limit to the validity or the length of stay for Subclass 600 visas in the other streams specified in the Regulations. However, Departmental policy provides the following guidance in relation to the other visa streams:<sup>54</sup>

Visa stream	Valid for	Stay period
Tourist	Standard 12 months from grant; up to 5 years if low risk of using the visa to establish de facto residence in Australia	Generally 3 or 6 months if offshore (longer if warranted by circumstances/ purpose, or 12 months for a parent visiting children); up to 12 months consecutive stay if onshore
Sponsored Family	Generally 3 months from grant; up to 12 months if applicant will abide by visa conditions	3 months; no stay longer than sponsorship period indicated by sponsor; 12 months only in exceptional circumstances
Business Visitor	Up to 2-3 years from grant for low risk business visitors	3 months

Furthermore, if the grant of a Subclass 600 visa (including where it is consecutive with other visitor, working holiday or work and holiday visas) would permit a person to stay in Australia more than 12 months, there must be exceptional circumstances for the grant of the visa.<sup>55</sup>

### Visa conditions

The following is a general overview of the conditions which apply to Subclass 600 visas (Division 600.6). For detailed information about the conditions applicable in the Tourist and Sponsored Family streams, see [Intention to comply with conditions](#) below.

Subclass 600 visas in the Tourist stream, Sponsored Family stream, and Approved Destination Status stream are subject to condition 8101 which prohibits work in Australia, except in certain cases of financial hardship and compelling reasons.<sup>56</sup> Subclass 600 visas in the Business Visitor stream and the Frequent Traveller stream are not subject to condition 8101, but are instead subject to condition 8115 which prohibits work other than a 'business visitor activity' as defined in r.1.03.<sup>57</sup>

Subclass 600 visas are also generally subject to condition 8201, which limits study or training in Australia to a maximum period of 3 months.<sup>58</sup>

<sup>53</sup> cl.600.512(2)

<sup>54</sup> PAM3: GenGuideH – Visitor visas – Visa application and related procedures (re-issue date 10/9/16).

<sup>55</sup> cl.600.215. See discussion below under '[Legal issues](#)'.

<sup>56</sup> cl.600.611, 600.612 and 600.614. The no work condition does not apply in the Tourist stream where the applicant is not sponsored and in certain circumstances has compelling reasons to work in Australia.

<sup>57</sup> cl.600.613.

<sup>58</sup> cl.600.611, 600.612 and 600.613. Subclass 600 visas in the Approved Destination Status stream are instead subject to condition 8207, which prohibits any studies or training in Australia: cl.600.614.

Subclass 600 visas may be subject to condition 8503 (or may have it imposed), which provides that the visa holder will not be entitled to be granted a substantive visa, other than a protection visa, while he or she remains in Australia.<sup>59</sup> Subclass 600 visas in the Tourist stream, where the applicant is not sponsored and does not meet financial hardship criteria, may have conditions 8501 (requiring health insurance) and 8558 (limiting stay to a maximum of 12 months in an 18 month period) imposed.<sup>60</sup> Subclass 600 visas in the Tourist stream (where sponsored) and in the Sponsored Family stream are also subject to condition 8531, which prohibits the visa holder from remaining in Australia after the end of the period of stay permitted by the visa.<sup>61</sup> Subclass 600 visas in the Frequent Traveller stream are also subject to condition 8573, which prohibits the visa holder from staying in Australia for more than 12 months in any period of 24 months.

For a brief period, Subclass 600 visas were subject to condition 8602 (must not have an outstanding public health debt).<sup>62</sup>

## Legal issues

The following commentary addresses legal issues arising in relation to the Tourist stream and Sponsored Family stream. Decisions to refuse to grant a visa in the Business Visitor stream, the Approved Destination Status stream and the Frequent Traveller stream are not reviewable by the Tribunal (see [Merits Review](#) below), and as such are not included in this discussion.

### **Purpose of visit: cl.600.221, cl.600.231**

Applicants for a visa in the Tourist stream and in the Sponsored Family stream must meet the requirement that they intend to visit Australia (or to remain in Australia, if in the Tourist stream) for prescribed purposes.<sup>63</sup> Those purposes are:

- to visit an Australian citizen or permanent resident who is a parent, spouse, de facto partner, child, brother or sister of the applicant;<sup>64</sup> or
- for any other purpose that is not related to business or medical treatment.

While an applicant may have more than one purpose in seeking to visit or remain in Australia (e.g. to visit a relative and to engage in sightseeing), the applicant is only required to have one of the prescribed purposes in order to obtain the visa.<sup>65</sup> The criteria do not require the purpose to be specified in the visa application, and the applicant's purpose for visiting or remaining in Australia is ultimately a question of fact to be addressed at the time of decision.

<sup>59</sup> cl.600.611, 600.612, 600.613 and 600.614

<sup>60</sup> cl.600.611.

<sup>61</sup> cl.600.611 and 600.612.

<sup>62</sup> The Migration Legislation Amendment (2017) Measures No.4) Regulations 2017 (F2017L01425), which inserted this condition, was subsequently disallowed and is therefore no longer operative. However, it still had legal effect from when it commenced on 18 November until the time of disallowance on 17:56 5 December 2017, meaning that if a visa was granted during this time, the visa conditions imposed will include condition 8602.

<sup>63</sup> cl.600.221, 600.231.

<sup>64</sup> For further information on these relationships as defined, see MRD Legal Services Commentary: [Familial Relationships](#).

<sup>65</sup> *Sandoval v MIMA* (2001) 194 ALR 71 at [40], in the context of considering the equivalent provision for a Subclass 676 visa. See also *obiter* comments in *Khanam v MIAC* (2009) 111 ALD 421 at [30], point 3, in relation to the equivalent provision for the Subclass 679 visa, that the language does not appear to require anything more than a statement of purpose by the visa applicant.

Furthermore, in the Tourist stream, the visa must not be sought for the purpose of commencing, continuing or completing a registered course in which the applicant is enrolled, if the applicant is in Australia and holds or has held a student visa since last entering Australia.<sup>66</sup>

### ***Any other purpose that is not related to business or medical treatment***

The meaning of 'purpose' and 'related to business' was considered in *MIMA v Saravanan*,<sup>67</sup> where the Court stated that 'purpose' referred to what the visa applicant proposed to do during the period for which the visa was to be granted.<sup>68</sup> In considering the connection between the applicant's purpose and 'business', the Court held that the necessary approach was to:<sup>69</sup>

- (1) ascertain the precise purpose for which the applicant wished to [visit or] remain in Australia on a Tourist visa; then
- (2) see whether that purpose was in any way 'related to' business; and finally,
- (3) if there was such a relationship, determine if it was sufficiently close to satisfy the objects of the criterion.

The Court held that the applicant's purpose of remaining in Australia, which was to apply for a Subclass 457 (Business) visa onshore, was not a purpose related to business.<sup>70</sup> The Court also considered that the applicant's longer-term purpose of conducting a business in Australia in the future was beyond the reach of the 'purpose' of seeking the Tourist visa in the meantime, as he had no intention to conduct business during the currency of the Tourist visa.<sup>71</sup>

### **Genuine intention to stay temporarily for purpose of the visa: cl.600.211**

A common criterion for all streams in the Subclass 600 visa is that the applicant genuinely intends to stay temporarily in Australia for the purpose for which the visa is granted.<sup>72</sup> In assessing this criterion, the decision-maker must have regard to whether the applicant has [complied substantially with conditions](#) of their last visas, their [intention to comply with conditions](#) to which the visitor visa would be subject, and [any other relevant matter](#).

The question of the applicant's 'genuine intention' is linked to the 'purpose for which the visa is granted', which must be a purpose permitted in the applicable stream. The decision-maker should consider whether the applicant's stated purpose is a purpose for which the visa could be granted in the stream in which the applicant has applied.<sup>73</sup>

<sup>66</sup> cl.600.222.

<sup>67</sup> *MIMA v Saravanan* (2002) 116 FCR 437. Although not identical to cls.600.221(b) and 600.231(b) ('for any other purpose that is not related to business or medical treatment'), the Full Court had considered a similarly worded criterion for a Subclass 676 visa ('for a purpose other than a purpose related to business or medical treatment').

<sup>68</sup> *MIMA v Saravanan* (2002) 116 FCR 437, per Marshall J at [39], agreeing with the primary judge in *Saravanan v MIMA* [2001] FCA 938 (Heerey J, 20 July 2001) at [22]. Although only the view of a single judge of a Full Court and of the primary judge sitting alone, it is still persuasive authority as to the meaning of 'purpose'.

<sup>69</sup> *MIMA v Saravanan* (2002) 116 FCR 437, per Finkelstein J at [50]. Although dissenting as to the factual outcome in the particular case, Drummond J at [2] agreed with this approach of Finkelstein J.

<sup>70</sup> *MIMA v Saravanan* (2002) 116 FCR 437, per Marshall J at [37]-[38]. Justice Finkelstein at [54] considered that the applicant's purpose of remaining in Australia in order to apply for a business visa was not reasonably directly connected with 'business' as such. However, Drummond J (dissenting) at [7] concluded that there was a direct relationship between the applicant's purpose to remain in Australia and the applicant's business, such that it was for a purpose related to business.

<sup>71</sup> *MIMA v Saravanan* (2002) 116 FCR 437, per Marshall J at [39]-[41]; see also Finkelstein J at [54] who relied upon this matter in his reasoning.

<sup>72</sup> cl.600.211. Unlike the previous visitor visas (subclasses 676 and 679), the purpose of visit is linked to the 'genuine intention' criterion for the Subclass 600 visa.

<sup>73</sup> e.g. the specified purposes under cl.600.221 in the Tourist stream and cl.600.231 in the Sponsored Family stream.

If the purpose for which the visa is sought is not a purpose for which the visa could be granted, then the applicant may not be capable of meeting the ‘genuine intention’ criterion on that basis (e.g. it is a purpose related to business or medical treatment, or for studying in a registered course in certain circumstances if applying in the Tourist stream). See [Purpose of visit](#) above for further discussion.

***Complied substantially with conditions of last visa(s): cl.600.211(a)***

In considering whether an applicant has complied substantially with the conditions of the last held visa(s) for the purposes of the genuine intention criterion<sup>74</sup>, the decision-maker must consider compliance with the conditions of the most recent substantive visa held (if any), or any bridging visas held after that time.

Compliance with the conditions of other visas (such as visas held before the last substantive visa, or, where the applicant has held a subsequent bridging visa, compliance with conditions of the last substantive visa) cannot be considered under cl.600.211(a), but may be considered as a relevant matter under cl.600.211(c).

There are similar provisions relating to whether an applicant has complied substantially with the conditions of their previous visas in the Schedule 2 requirements for various other temporary visas. However, cl.600.211(a) does not impose a *requirement* that the applicant has complied substantially with the conditions of their last held visa(s) – rather, it is a matter to be taken into account by the decision-maker. For further consideration of ‘substantial compliance’, see the MRD Legal Services Commentary on [Substantial Compliance with Visa Conditions](#).

***Intention to comply with conditions: cl.600.211(b)***

The genuine intention to stay temporarily criterion also requires the decision maker to have regard to the applicant’s intention to comply with conditions.<sup>75</sup> It is necessary to consider the ‘conditions to which the Subclass 600 visa would be subject’ in order to assess whether the applicant intends to comply with those conditions (see also [Visa conditions](#) above).

Depending on the specific stream, Division 600.6 sets out mandatory conditions (which ‘must be imposed’) and discretionary conditions (which ‘may be imposed’) on the visa. While it is clear that ‘conditions to which the Subclass 600 visa would be subject’ includes mandatory conditions, there is some doubt as to whether this also includes discretionary conditions. On one view, if the Tribunal considers that certain discretionary conditions would be imposed in the future, then those could be seen as conditions to which the visa ‘would’ be subject in the future. However, on another view, given the statutory distinction between conditions to which a visa ‘is subject’ and conditions which the Minister ‘may impose’ on a visa,<sup>76</sup> the phrase ‘conditions to which the Subclass 600 visa would be subject’ could be limited to those conditions to which a visa ‘is subject’ if the visa is granted, and not those which ‘may be imposed’.<sup>77</sup> Given the speculative nature of assessing whether a discretionary condition may or may not be imposed by a decision-maker in the future, and the circularity in attempting to decide this when considering whether the applicant intends to comply with those conditions, the better view is to consider only mandatory conditions as conditions to which the visa ‘would be subject’.

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<sup>74</sup> cl.600.211(a).

<sup>75</sup> cl.600.211(b).

<sup>76</sup> A visa is either subject to specified conditions (s.41(1) and r.2.05(1)) or the Minister may impose certain conditions on a visa (s.41(3) and r.2.05(2)): *Krummrey v MIMIA* (2005) 147 FCR 557 at [28].

<sup>77</sup> The Full Federal Court in *Krummrey v MIMIA* at [29] interpreted the language of a condition which ‘must be imposed’ in Schedule 2 as being a condition to which visas ‘are’ subject. There is no further action of ‘imposing’ the condition.

The table below sets out the mandatory conditions for Subclass 600 visas in the Tourist stream and the Sponsored Family stream in different circumstances. In considering a visa in the Tourist stream, it is necessary to firstly assess whether the applicant is sponsored in accordance with cl.600.224 (see [Sponsorship issues](#) below). If the applicant is not sponsored accordingly, it is then necessary to consider whether the financial hardship provisions under cl.600.611(4) apply.

Visa stream	Applicant's circumstances	Mandatory conditions
Tourist	Sponsored under cl.600.224	<ul style="list-style-type: none"> <li>8101 (no work)</li> <li>8201 (3 months study limit)</li> <li>8503 (no further stay)</li> <li>8531 (must not remain beyond visa period)<sup>78</sup></li> </ul>
	Not sponsored under cl.600.224, and does <u>not</u> meet financial hardship provision under cl.600.611(4)	<ul style="list-style-type: none"> <li>8101 (no work)</li> <li>8201 (3 months study limit)<sup>79</sup></li> </ul>
	Not sponsored under cl.600.224, and meets financial hardship provision under cl.600.611(4)	<ul style="list-style-type: none"> <li>8201 (3 months study limit)<sup>80</sup></li> </ul>
Sponsored Family	All applicants	<ul style="list-style-type: none"> <li>8101 (no work)</li> <li>8201 (3 months study limit)</li> <li>8503 (no further stay)</li> <li>8531 (must not remain beyond visa period)<sup>81</sup></li> </ul>

**Any other relevant matter: cl.600.211(c)**

The decision-maker must also have regard to 'any other relevant matter' when considering whether the applicant genuinely intends to stay temporarily in Australia for the purpose for which the visa is granted.<sup>82</sup>

In determining whether the applicant has a genuine intention to stay temporarily in Australia, the Tribunal must consider all the applicant's individual circumstances, including the claimed reason for visiting Australia.<sup>83</sup> In considering a similarly worded criterion for a Subclass 676 (Tourist) visa,<sup>84</sup> the

<sup>78</sup> cl.600.611(2).

<sup>79</sup> cl.600.611(3). In addition, conditions 8501 (maintain health insurance), 8503 (no further stay) and 8558 (12 months stay in 18 month period) may be imposed.

<sup>80</sup> cl.600.611(4). In addition, condition 8503 (no further stay) may be imposed.

<sup>81</sup> cl.600.612.

<sup>82</sup> cl.600.211(c).

<sup>83</sup> *Khanam v MIAC* (2009) 111 ALD 421. In considering the similarly worded 'genuine visit' criterion for a Subclass 679 visa, the Court held that the Tribunal erred in forming its opinion as to genuine intention based on the likely intentions of Ahmadi Muslims as a group, rather than on the circumstances of the visa applicant, and failed to take into account a relevant consideration, namely the reason given by the visa applicant for the visit to Australia. See also *Khalsa v MIAC* [2012] FMCA 100 (Driver FM, 15 February 2012) at [31] in which the Court held that it was open for the Tribunal to find that the visa applicants did not have a genuine intention to visit Australia temporarily on the basis of their admissions in the visa application form that they intended to remain in Australia to await the outcome of a Tribunal decision on the primary applicant's Subclass 309 (Partner) (Provisional) visa.

<sup>84</sup> cl.676.211, which requires that the applicant satisfies the Minister that the applicant's expressed intention to only visit Australia is genuine.

Federal Magistrates Court in *SZPZH v MIAC* held that the Tribunal was entitled to consider the intentions of the visa applicant for the period following the expiry of the visa in determining whether the intention only to visit Australia was genuine.<sup>85</sup> In *Khalsa v MIAC*, the Federal Magistrates Court held that it was open for the Tribunal to take into account the applicant's past travel to Australia.<sup>86</sup> Further, the Court held that it was open for the Tribunal to take into account the intentions of the primary visa applicant in marrying the review applicant insofar as this revealed an underlying intention to remain in Australia after the expiration of the visa.<sup>87</sup>

It is for the applicant to put forward sufficient material on which the decision-maker can be satisfied as to genuineness of the intention to stay temporarily. In assessing the material that is put forward, the decision-maker is not starting from a position that the intention to stay temporarily is not genuine. The decision-maker should reflect on all the evidence, and having weighed the circumstances (e.g. those which would encourage the applicant to return home and those which would encourage the applicant to remain in Australia), determine whether it is satisfied the applicant intends to stay temporarily in Australia for the purpose of the visa.

Departmental guidelines set out various matters that may be considered in assessing an applicant's genuine intention to stay temporarily in Australia.<sup>88</sup> The Tribunal may have regard to Departmental guidelines; however, they are not binding upon the Tribunal.<sup>89</sup> The Tribunal should consider the individual circumstances of the applicant and not raise any guidelines to the level of a legislative requirement. Matters referred to in the Departmental guidelines include:<sup>90</sup>

- personal circumstances that would encourage the applicant to return to their home country at the end of the proposed visit
  - e.g. ongoing employment, the presence of close family members in their home country, property or other significant assets owned in their home country, and if they are resident in a country whose nationals have a low risk of immigration non-compliance, even if they are originally from a country whose nationals represent a statistically higher risk of non-compliance
- personal circumstances or general conditions in the applicant's home country that might encourage them to remain in Australia
  - e.g. economic circumstances (including unemployment or other employment conditions such as low salary rates), economic disruption (shortages, famine, high levels of unemployment or natural disasters), personal ties to Australia (more close family members living in Australia than in their home country, unresolved adoption

<sup>85</sup> *SZPZH v MIAC* [2011] FMCA 407 (Cameron FM, 2 June 2011) at [47]. On appeal, the Federal Court agreed that it was open for the Tribunal to take the visa applicant's intentions beyond the life of the visa into account: *SZPZH v MIAC* [2011] FCA 960 (Robertson J, 18 August 2011) at [28]. See also *Khalsa v MIAC* [2012] FMCA 100 (Driver FM, 15 February 2012) at [41]. In *Umer v MIBP* [2017] FCCA 2934 (Judge Lucev, 29 November 2017) at [23] it was held that the decision in *Khanna v MIBP* [2015] FCCA 1971 (Judge Mansouridis, 20 July 2015) at [34], which held that when considering the genuine temporary entrant criterion for a student visa the Tribunal is required to consider whether the applicant intends to depart Australia after the expiry of the visa should they fail to secure a permanent visa, does not apply to visitor visas, because the judgment was overturned in *MIBP v Khanna* [2016] FCA 142 (Reeves J, 1 March 2016), its rationale was restricted to the student visa context and to ask such a question was 'to ignore and invert the purpose for which a Visitor Visa is granted'.

<sup>86</sup> *Khalsa v MIAC* [2012] FMCA 100 (Driver FM, 15 February 2012) at [45].

<sup>87</sup> *Khalsa v MIAC* [2012] FMCA 100 (Driver FM, 15 February 2012) at [41].

<sup>88</sup> PAM3: GenGuideH – Visitor visas – Visa application and related procedures – 'The genuine temporary stay requirement' (re-issue date 10/9/16).

<sup>89</sup> In *Ammar v MIBP* [2019] FCCA 376 (Judge Mercuri, 20 February 2019), the Court held that it is open to the Tribunal to consider the matters set out in the PAM3 Departmental guidelines as relevant to the assessment of 'other relevant matters' under cl.600.211(c) for the purpose of determining whether the applicant genuinely intends to stay temporarily in Australia.

<sup>90</sup> PAM3: GenGuideH – Visitor visas – Visa application and related procedures – 'The genuine temporary stay requirement' (re-issue date 10/9/16).

proceedings in their home country), military service commitments, civil disruption (war, lawlessness, political upheaval)

- the applicant's credibility in terms of character and conduct
  - e.g. false and misleading information provided with visa application
- whether the purpose and proposed duration of the applicant's visit and their proposed activities in Australia are reasonable and consistent
  - e.g. is the period of stay consistent with tourism
- the applicant's immigration and travel history
  - e.g. previous visa applications for Australia, previous overseas travel (to countries other than Australia), compliance with immigration laws of country/countries where the applicant would have significant incentives to remain for economic or personal reasons
- information in statistical, intelligence and analysis reports on migration fraud and immigration compliance compiled by the department about nationals from the applicant's home country<sup>91</sup>

#### ***Relationship between genuine intention to stay temporarily and the 'risk factor criterion'***

If the Tribunal is remitting the matter with a direction that the visa applicant meets the relevant criterion for genuine intention to stay temporarily in circumstances where the delegate refused to grant the visa on the basis that the genuine intention criterion was not met *and* the visa applicant would be subject to the 'risk factor criterion' in PIC 4011 for the purposes of cl.600.213(1), the Tribunal should also consider PIC 4011 in making its decision, as a direction only in relation to the genuine intention criterion would not bind the delegate upon remittal in relation to the 'risk factor criterion' in PIC 4011. The considerations in relation to PIC 4011 are similar to those for being satisfied as to genuine intention, but impose a higher standard of satisfaction on the decision maker (see [Public Interest Criterion 4011 \(risk factor criterion\)](#) below).

#### ***If the applicant is a minor***

There are no secondary criteria for Subclass 600 visas and each applicant must satisfy the primary criteria for grant, including the genuine intention criterion in cl.600.211. There is no relevant judicial consideration, or guidance in PAM3, in relation to how this criterion applies in relation to an applicant who is a minor who lacks the capacity to form the relevant intention.

There are two possible approaches to this issue. The first approach is based on the application of a statutory implication. In circumstances where the minor visa applicant lacks the capacity to form the relevant intention, it may be implied, as a matter of statutory interpretation, that the intention of the parent is taken to be the intention of the minor visa applicant. This implication would be on the basis that it is necessary to avoid an absurd result where there is no apparent statutory intention to preclude minor children from the grant of visitor visas and where such an implication would be consistent with existing obligations upon parents who bear responsibilities in respect of their children.

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<sup>91</sup> In *Barakat v MIBP* [2018] FCCA 1316 (Judge Driver, 22 May 2018) at [28] it was held that there is no requirement that information suggesting a low risk of immigration non-compliance must be factored into a decision or is a relevant consideration.

The second approach may be to make it a purely factual inquiry. While a visa applicant who is a child may not understand the concepts of compliance with a visa condition or intention to visit Australia for the purpose of the visa, there may be sufficient evidence that the child would do what the parent wants. On that factual basis, the intention of the parent would be relevant to determining the intention of the child.

### **Adequate means of support: cl.600.212**

A common criterion for all streams in the Subclass 600 visa is that the applicant has adequate means, or access to adequate means, to support themselves during the period of their intended stay in Australia.<sup>92</sup> Departmental guidelines suggest that it would be appropriate to take into account their planned activities and accommodation/living arrangements in Australia when assessing this criterion, noting that funds can also be provided by relatives or friends in Australia.<sup>93</sup> Relevant evidence of means of support may include bank statements/passbooks, letters from banks or other financial institutions concerning the financial position of the applicant or the applicant's access to the funds of another person, air tickets, and available credit card funds (with savings history considered to be better evidence than recently deposited funds).<sup>94</sup> While the Tribunal may have regard to Departmental guidelines, they are not binding and the Tribunal should consider the individual circumstances of the applicant and not raise any guidelines to the level of a legislative requirement.

### **Public Interest Criterion 4011 (risk factor criterion): cl.600.213(1)**

All applicants must satisfy the public interest criteria in cl.600.213(1), which includes PIC 4011. PIC 4011 provides that, if the applicant is affected by a risk factor as described in 4011(2), the applicant must satisfy the Minister that, having regard to the circumstances in the applicant's usual country of residence, there is 'very little likelihood' that the applicant will remain in Australia beyond the authorised period of stay.

The applicant is affected by a risk factor if:

- during the period of 5 years immediately preceding the application, the applicant has applied for a visa for the purpose of permanent residence in Australia;<sup>95</sup> or
- the applicant has all the characteristics of a class of persons specified in a legislative instrument made by the Minister.<sup>96</sup>

Since 15 May 2009, there has been no applicable instrument specifying characteristics of a class of persons for the purposes of PIC 4011(2)(b).<sup>97</sup> In these circumstances, the only basis on which an applicant can be subject to the risk factor in PIC 4011 is where the applicant falls within 4011(2)(a) – i.e. during 5 years immediately preceding the application, the applicant has applied for a visa for the purpose of permanent residence in Australia.

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<sup>92</sup> cl.600.212.

<sup>93</sup> PAM3: GenGuideH – Visitor visas – Visa application and related procedures – 'Adequate means of support' (re-issue date 10/9/16).

<sup>94</sup> PAM3: GenGuideH – Visitor visas – Visa application and related procedures – 'Adequate means of support' (re-issue date 10/9/16).

<sup>95</sup> PIC 4011(2)(a). For visa applications before 22 March 2014, applications for 'entry permits' were also counted (amended by Sch.1 Pt.7 Item 302 of the Migration Amendment (Redundant and Other Provisions) Regulation 2014 (SLI 2014, no.30).

<sup>96</sup> PIC 4011(2)(b).

<sup>97</sup> Instrument IMMI 08/119 with effect from 15 May 2009, revoked the instrument previously made for this purpose IMMI 08/033.



## Exceptional circumstances for more than 12 consecutive months stay: cl.600.215

Clause 600.215 provides that if the grant of the visa would result in authorising a stay of *more than 12 consecutive months as the holder of a visitor, working holiday, work and holiday visa or, for applications made from 21 November 2015,*<sup>98</sup> a bridging visa, there must be exceptional circumstances for the grant of the visa. This criterion is only engaged where visas of the specified kinds are held consecutively, and not where there is an intervening visa of a different kind, such as a work visa.

Departmental policy suggests that where there has been a cumulative (but not consecutive) recent stay in Australia of more than 12 months, decision-makers should carefully consider whether the applicant continues to meet the genuine temporary stay requirement.<sup>99</sup>

The policy also gives examples of exceptional circumstances for authorising a stay longer than 12 consecutive months, including death or serious illness of a close family member in Australia, where the visa applicant is required to provide assistance or support, or an unexpected change in circumstances beyond the applicant's control, where not granting the visa would cause significant hardship to an Australian resident or citizen.<sup>100</sup>

## Sponsorship issues

There are sponsorship-related criteria for certain applicants in the Tourist stream (if the applicant intends to visit certain kinds of relatives and is required to be sponsored) and for all applicants in the Sponsored Family stream. These criteria require that the sponsorship has been approved by the Minister and is still in force.<sup>101</sup> Statutory limitations on sponsorship may apply in certain circumstances (see [Limitations on sponsorship in r.1.20L](#) below).

In both streams, the applicant may be sponsored by a settled Australian citizen or permanent resident who is over 18, and who is a relative of the applicant (or of another applicant who is a member of the applicant's family unit, or in relation to whom the applicant is a member of the family unit).<sup>102</sup>

If the applicant is sponsored by a relative of another applicant (who is a member of the family unit of the applicant, or in relation to whom the applicant is a member of the family unit), then a Subclass 600 visa in the same stream must have been granted to that other applicant.<sup>103</sup> The purpose of this provision is to ensure that, if a family group is sponsored, no member of that family can be granted a visa if the applicant who is a relative of the sponsor is not granted the visa.<sup>104</sup>

In addition, in the Sponsored Family stream, the applicant may also be sponsored by a settled Australian citizen or permanent resident who is a member of a Parliament or Legislative Assembly or who holds the office of mayor. The applicant may also be sponsored by a Commonwealth, State or Territory government agency or instrumentality.<sup>105</sup>

<sup>98</sup> Migration Legislation Amendment (2015 Measures No.3) Regulation 2015 (SLI 2015, No.184) substituted cl.600.215 for visa applications made from 21 November 2015.

<sup>99</sup> PAM3: GenGuideH – Visitor visas – Visa application and related procedures – ‘If total stay will exceed 12 months’ (re-issue date 10/9/16).

<sup>100</sup> PAM3: GenGuideH – Visitor visas – Visa application and related procedures – ‘If total stay will exceed 12 months’ (re-issue date 10/9/16).

<sup>101</sup> cl.600.224(3) in the Tourist stream; cl.600.234 in the Sponsored Family stream.

<sup>102</sup> cl.600.224(1)(b) in the Tourist stream; cl.600.232(2) in the Sponsored Family stream.

<sup>103</sup> cl.600.224(4) in the Tourist stream; cl.600.233 in the Sponsored Family stream. The other applicant must be a relative of the sponsor, and must have been sponsored by the sponsor in relation to the applicant's visit.

<sup>104</sup> Explanatory Statement to SLI 2013, No. 32, p.19

<sup>105</sup> cl.600.232(3)-(4).

### ***Discretionary sponsorship requirement in the Tourist stream: cl.600.224***

The sponsorship requirement in the Tourist stream applies only if the applicant intends to visit certain kinds of relatives, and if the Minister has required the applicant (and each other applicant who is a member of the applicant's family unit, or in relation to whom the applicant is a member of the family unit) to be sponsored by a specified Australian relative under cl.600.224(1). This capacity of the Minister to request sponsorship is intended to provide additional flexibility in relation to applicants who may otherwise not meet the visa criteria.<sup>106</sup> One effect of requiring sponsorship is to engage the security requirement criterion in cl.600.225.

If the delegate had not required a sponsorship at the primary level, the Tribunal appears to have discretion to require a sponsorship in accordance with cl.600.224(1). However, it is not possible for the Tribunal to require a security to be lodged, if that has not been requested by an officer authorised under s.269.<sup>107</sup> Therefore the practical effect of the Tribunal requiring a sponsorship, in the absence of being able to request a security, appears to be somewhat limited. Nevertheless, there are certain statutory obligations for a sponsor in relation to a Subclass 600 visa, which the Tribunal may have regard to when considering its discretion to require a sponsorship.<sup>108</sup>

It is unclear whether the Tribunal on review has the power to 'no longer require' a sponsorship which had been requested by a delegate. On one view, if the delegate had required the applicant to be sponsored in accordance with cl.600.224(1), then the sponsorship requirements under cl.600.224(2)-(4) must apply as criteria which must be satisfied. On another view, however, as the Tribunal may exercise all the powers and discretions that are conferred by the Act on the person who made the primary decision,<sup>109</sup> there is scope for the Tribunal to 'no longer require' the sponsorship, in which case the sponsorship criteria under cl.600.224(2)-(4) would no longer apply.<sup>110</sup>

### ***Limitations on sponsorship in r.1.20L***

The Tribunal must consider whether the sponsorship limitations under r.1.20L apply when considering the approval of a sponsorship under cl.600.224(3) or cl.600.234. Regulation 1.20L imposes a bar on the Minister approving sponsorship for a Subclass 600 visa, where the sponsor has previously sponsored an applicant for a Subclass 600 (Visitor) visa or a Sponsored (Visitor) (Class UL) visa which was granted, and where:

- the visa is still in effect;
  - however, this limitation does not apply if the previously sponsored applicant holds a Subclass 600 visa, and the current visa applicant is a member of the family unit of the previously sponsored applicant, and is proposing to travel to Australia for the same purpose as the previously sponsored applicant;<sup>111</sup> or
- the visa has ceased to be in effect, the previously sponsored applicant did not comply with a condition of that visa, and 5 years have not passed since the grant of that visa;

<sup>106</sup> Explanatory Statement to SLI 2013, No. 32, p.18.

<sup>107</sup> cl.600.225(1)(d).

<sup>108</sup> Sponsorship obligations in relation to a Subclass 600 visa are set out under r.1.20(2)(b) – the sponsor must undertake to accept responsibility for: all financial obligations to the Commonwealth incurred by the applicant arising out of their stay in Australia; the applicant's compliance with all relevant legislation and awards in relation to any employment entered into in Australia; and, in certain circumstances, for the applicant's compliance with visa conditions.

<sup>109</sup> s.349(1). See also *MIAC v SZKTI* (2009) 238 CLR 489 and *MIAC v SZNAV* [2009] FCAFC 109 (Stone, Jacobson & Jagot JJ, 27 August 2009).

<sup>110</sup> In addition, if there was a request to lodge a security under s.269, the requirement to lodge a security under cl.600.225 would also no longer apply.

<sup>111</sup> r.1.20L(3).

- however, this limitation does not apply in certain cases if the previously sponsored applicant holds a Subclass 600 visa, and did not comply with condition 8531, exceeding their period of stay due to circumstances beyond their control after they entered Australia on the Subclass 600 visa.<sup>112</sup>

### Request for security: cl.600.225, cl.600.235

In both the Tourist stream and the Sponsored Family stream, it is a requirement that a security has been lodged if a security has been requested by an authorised officer in accordance with s.269 of the Act (which deals with security for compliance with the Act).<sup>113</sup> However, in the Tourist stream, this security requirement only applies if the Minister has required the applicant to be sponsored.<sup>114</sup>

In considering the requirement that a security has been lodged, the Tribunal should firstly consider whether a security has been asked for by an officer authorised under s.269 of the Act. If a security has been asked for, then the question is whether the security has been lodged. If a security has not been asked for, then the Tribunal is not able to ask for a security, and lodgement of a security is not required.<sup>115</sup> Similarly, if a security has been asked for but not by an officer authorised at the time under s.269, lodgement of a security is not required.<sup>116</sup>

Decisions in relation to requiring a security for a Subclass 600 visa are not Part 5 reviewable decisions (see [Merits review](#) below for further discussion).

The issue of securities, merits review and related criteria is discussed in detail in the MRD Legal Services Commentary on [Securities](#).

## Merits review

### Visa refusal decisions

Decisions to refuse to grant a Subclass 600 visa in the Tourist stream and in the Sponsored Family stream may be reviewable by the Tribunal under s.338, and more than one provision may apply, as follows:

- s.338(2) – Tourist stream – the visa applicant has standing to apply for review if:
  - the applicant made the visa application while in the migration zone; and
  - the applicant was not in immigration clearance or had been immigration cleared at the time of the primary decision;

<sup>112</sup> r.1.20L(4).

<sup>113</sup> cl.600.225 in the Tourist stream; cl.600.235 in the Sponsored Family stream. Under s.269 of the Act, a security may be requested by an authorised officer for compliance with the provisions of the Act, the Regulations, or with any condition imposed in pursuance of, or for the purposes of, the Act or Regulations. Note that the term 'authorized officer' in this context has a different meaning to 'authorized officer' under s.59 of the *Administrative Appeals Tribunal Act 1975*, with the former term only referring to an officer authorised under s.296 of the *Migration Act 1958*.

<sup>114</sup> cl.600.225(1).

<sup>115</sup> In *Tutugri v MIMA* (1999) 95 FCR 592, Lee J observed at [42], in relation to the similarly worded criterion in cl.050.214 as then in force: 'Obviously the applicant did satisfy that criterion ... He had not been asked to lodge a security by an officer authorised under s.269 of the Act'.

- s.338(5) – Tourist stream and Sponsored Family stream – the sponsor has standing to apply for review if:
  - the applicant made the visa application while outside the migration zone;
  - the applicant was sponsored by an Australian citizen or permanent resident, or by a ‘company’ that operates in Australia;<sup>117</sup>
- s.338(7) – Tourist stream and Sponsored Family stream – the Australian relative has standing to apply for review if:
  - the applicant made the visa application while outside the migration zone;
  - particulars of the relevant Australian relative are included in the visa application.<sup>118</sup>

Combined review applications in both streams may be permitted in certain circumstances under r.4.12, as follows:

- s.338(2) – Tourist stream – the visa applicant may combine review applications if the visa applications were combined in Australia under r.2.08 (child born before primary decision);<sup>119</sup>
- s.338(5) – Tourist stream and Sponsored Family stream – the sponsor may combine review applications if the sponsor has sponsored 2 or more members of a family unit in respect of each of the members of the family unit that were refused the visa;<sup>120</sup>
- s.338(7) – Tourist stream and Sponsored Family stream – the Australian relative may combine review applications if the visa applications were combined under r.2.08 (child born before primary decision).<sup>121</sup>

Decisions to refuse to grant a Subclass 600 visa in the Business Visitor stream, the Approved Destination Status stream and the Frequent Traveller stream are not reviewable by the Tribunal.

### ***Expedited review for close family visits***

Regulation 4.23 imposes an expedited review requirement, which requires the Tribunal in certain circumstances to review Subclass 600 visa refusal decisions immediately upon receipt of an application for review and to give notice of its decision as soon as practicable. Regulation 4.23 only applies where the applicant stated in their application that they intended to visit Australia (or remain in Australia as a visitor) for the purposes of visiting an Australian citizen or permanent resident who is a parent, spouse, de facto partner, child, brother or sister of the applicant, in order to participate in an event of ‘special family significance’ in which the applicant is directly concerned, as identified in the visa application. In addition, the visa refusal must have been made because the delegate ‘was not

<sup>116</sup> On the need to establish the relevant authorisation, see *Takli v MIMA* [2000] FCA 1490 (Wilcox J, 11 October 2000), in relation to the similarly worded cl.050.214 as then in force.

<sup>117</sup> The broad definition of ‘company’ in s.337 of the Act as ‘any body or association (whether or not it is incorporated)’ means that a decision to refuse to grant a visa in the Sponsored Family stream, where the sponsor is a Commonwealth/State/Territory government agency or instrumentality as described in cl.600.232(4), is reviewable under s.338(5).

<sup>118</sup> A relative of the relevant kind includes an Australian citizen or permanent resident who is a parent, spouse, de facto partner, child, brother or sister of the applicant.

<sup>119</sup> r.4.12(2).

<sup>120</sup> r.4.12(4).

<sup>121</sup> r.4.12(6). The Australian relative includes an Australian citizen or permanent resident who is a parent, spouse, de facto partner, child, brother or sister of the visa applicants. Please note that if a newborn child is born prior to the primary decision, the ‘Australian relative’ may not have the requisite relationship to that child for the purposes of s.338(7) and/or the standing

satisfied that the expressed intention of the applicant only to visit Australia was genuine<sup>122</sup> or because the applicant did not satisfy PIC 4011, and the visa application was made long enough before the event to allow for review if the visa were refused.

## Other decisions

Decisions to cancel a Subclass 600 visa are generally reviewable by the Tribunal under s.338(3) of the Act if the former holder of the visa is still in Australia but not in immigration clearance at the time of the cancellation. The review application must be made by the non-citizen who is the subject of the cancellation decision.

There is no separate reviewable decision in relation to approval of a sponsorship. Where sponsorship is a criterion for the grant of the visa, and the sponsorship has been found not to meet the requirements and has not been approved, the visa will be refused and the issue of sponsorship will be reviewable as part of the review of the refusal to grant the visa.

Decisions in relation to requiring a security for a Subclass 600 visa are not reviewable by the Tribunal, as the relevant criteria are not criteria described in r.4.02(4)(f)(ii) of the Regulations.<sup>123</sup>

### Relevant case law

<a href="#">Ammar v MIBP [2019] FCCA 376</a>	<a href="#">Summary</a>
<a href="#">Barakat v MIBP [2018] FCCA 1316</a>	
<a href="#">Khalsa v MIAC [2012] FMCA 100</a>	
<a href="#">Khanam v MIAC [2009] FCA 966</a> ; (2009) 111 ALD 421	<a href="#">Summary</a>
<a href="#">Krummrey v MIMIA [2005] FCAFC 258</a> ; (2005) 147 FCR 557	<a href="#">Summary</a>
<a href="#">Sandoval v MIMA [2001] FCA 1237</a> ; (2001) 194 ALR 71	
<a href="#">Saravanan v MIMIA [2001] FCA 938</a>	<a href="#">Summary</a>
<a href="#">MIMA v Saravanan [2002] FCA 348</a> ; (2002) 116 FCR 437	<a href="#">Summary</a>
<a href="#">MIAC v SZKTI [2009] HCA 30</a> ; (2009) 238 CLR 489	<a href="#">Summary</a>
<a href="#">MIAC v SZNAV [2009] FCAFC 109</a>	<a href="#">Summary</a>
<a href="#">SZPZH v MIAC [2011] FMCA 407</a>	<a href="#">Summary</a>
<a href="#">SZPZH v MIAC [2011] FCA 960</a>	<a href="#">Summary</a>

requirements under s.347(2)(c). For example, the Australian citizen brother of a Subclass 600 visa applicant may have standing to seek review on her behalf, but not for her newborn child as he is the child's uncle.

<sup>122</sup> r.4.23(1)(d)(i). This reflects the wording of the 'genuine intention' criterion under cl.676.211 for a Subclass 676 visa. Although this does not directly reflect the wording of the similar criterion under cl.600.211 for a Subclass 600 visa, if a Subclass 600 visa application is refused on the basis that the applicant did not have a genuine intention to visit under cl.600.211, such a decision could still fall within r.4.23(1)(d)(i) for an expedited review.

<sup>123</sup> A decision that relates to requiring a security is reviewable by the Tribunal only if it *also* relates to a refusal to grant a visa which has a criterion to the effect that if an authorised officer has required a security for compliance with any conditions that will be imposed on the visa if granted, the security has been lodged: r.4.02(4)(f)(ii). The criteria relating to securities for Subclass 600 visas (cl.600.225 and 600.235) do not meet this description because they do not concern securities for compliance with conditions that will be imposed.

<a href="#">Takli v MIMA [2000] FCA 1490</a>	<a href="#">Summary</a>
<a href="#">Thongpraphai v MIMIA [2000] FCA 1590</a>	
<a href="#">Terera v MIMIA [2003] FCA 1570</a> ; (2003) 135 FCR 335	
<a href="#">Tutugri v MIMIA [1999] FCA 1785</a> ; (1999) 95 FCR 592	
<a href="#">Umer v MIBP [2017] FCCA 2934</a>	<a href="#">Summary</a>

#### Relevant legislative amendments

Title	Reference number
<a href="#">Migration Amendment Regulations 2005 (No. 3)</a>	SLI 2005 No. 133
<a href="#">Migration Amendment Regulation 2013 (No.1)</a>	SLI 2013, No.32
<a href="#">Migration Amendment (2015 Measures No.1) Regulation 2015</a>	SLI 2015, No.34
<a href="#">Migration Legislation Amendment (2015 Measures No.3) Regulation 2015</a>	SLI 2015, No.184
<a href="#">Migration Amendment (Priority Consideration of Certain Visa Applications) Regulation 2016</a>	F2016L00295
<a href="#">Migration Legislation Amendment (2016 Measures No. 5) Regulation 2016</a>	F2016L01745
<a href="#">Migration Legislation Amendment (2017 Measures No.4) Regulations 2017 (NB: Disallowed by the Senate at 17:56 on 5 December 2017)</a>	F2017L01425

#### Available decision templates

The following decision template and optional standard paragraph for visitor visa cases are available:

- **Subclass 600 Visa Refusal – Genuine Visit** – this template is suitable for Subclass 600 (Visitor) visa refusals where the visa application was made from 23 March 2013, and the sole issue under consideration is whether the applicant genuinely intends to stay temporarily in Australia for the purpose for which the visa is granted.
- **Optional Standard Paragraphs – Visitor Cases** – this optional standard paragraph sets out relevant law in relation to PIC 4011 (risk factor criterion).

**Last updated/reviewed: 22 March 2019**

**VISITOR VISAS - REGISTER OF INSTRUMENTS / GAZETTE NOTICES**

No.	Tab Name	Reference (Regulations)	Instrument Description
<b>Current Instruments</b>			
1	<a href="#">ETAPassports</a>	r.1.11B	Specification of ETA-eligible passports
2	<a href="#">eVisitorPassports</a>	r.1.11C	eVisitor - eligible passports
3	<a href="#">AddressMedTreatment</a>	Sch 1 - 1214A(3)(a)(i), (ii), (iii)	Addresses and fax number for making Medical Treatment (Visitor) (Class UB) visa applications
4	<a href="#">SpecifiedDocMedTreatment</a>	Sch 1 - 1214A(3A)	Specified documentation that must accompany Medical Treatment (Visitor) (Class UB) visa application
5	<a href="#">InternetApp(ClassTR)</a>	Sch 1 - 1218(1)(a)(ii), (b)(ii), 1218AA	Persons eligible to make internet applications for Tourist (Class TR) visas and e-Visitor (Class TV)
6	<a href="#">VisApp(Class FA)</a>	Sch 1 - 1236 and r.2.07	Arrangements for Visitor Visa (Class FA) applications
7	<a href="#">NilVAC</a>	Sch 1 - 1236(2)(a)(iv)	Persons for whom nil VAC applies for Visitor (Class FA) visa applications
8	<a href="#">AreasPRC</a>	Sch 2 - 600.251(2)	Areas of residence in the PRC - Visitor (Class FA) visa applications in the Approved Destination Status stream
<b>Ceased Instruments</b>			
10	<a href="#">TravelAgentsPRC(pre-23.03.13)</a>	Sch 1 - 1218(1)(b)(iii)	Travel agents for PRC citizens applying for Tourist (Class TR) visas - pre-23/03/13
11	<a href="#">NilVAC(ClassTR)</a>	Sch 1 - 1218(2)(a)(i)(B)	Persons for whom nil VAC applies for Tourist (Class TR) visas
12	<a href="#">InternetApp(pre-23.03.13)</a>	Sch 1 - 1218(3)(d)	Persons eligible to make internet applications for Tourist (Class TR) visas - pre-23/03/13
13	<a href="#">sc459Sponsors</a>	Sch 2 - 459.214(c)	Organisations that may sponsor short stay business visitors - pre-23/03/13
14	<a href="#">AreasPRC(pre-23.03.13)</a>	Sch 2 - 676.214(a)	Areas of residence in the PRC - Tourist (Class TR) visa applications from PRC Citizens - pre-23/03/13
4	<a href="#">AddressSponsFamily(pre-18.04.15)</a>	Sch 1 - 1236(4), table item 1	Addresses for making Visitor (Class FA) visa applications in the Sponsored Family stream - pre 18/4/15
6	<a href="#">NetApp(ClassFA)(pre-18.04.15)</a>	Sch 1 - 1236(1)(a)(ii), (b)(ii), (c)(ii)	Persons eligible to make internet applications for Visitor (Class FA) visas - pre 18/4/15
8	<a href="#">TravelAgentsPRC(pre-18.04.15)</a>	Sch 1 - 1236(6), table item 3	Travel agents for PRC citizens applying for Visitor (Class FA) visas - pre 18/4/15
<b>Last Updated: 16/09/2019</b>			

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19 September 2019

## Specification of ETA-eligible passports - r.1.11B

Title	GN Ref	IMMI Ref	FRLI Ref	In Force		Revokes	Explanatory Statement	Notes
				From	Until			
Specification of ETA-Eligible Passports		<a href="#">18/084</a>	F2018L01110	14/08/2018	current	16/066	<a href="#">yes</a>	Signed 2/8/2018, registered 13/8/2018, commenced 14/8/2018.
Specification of ETA-Eligible Passports		<a href="#">16/066</a>	F2016L01198	01/04/16	13/08/18		<a href="#">yes</a>	Signed 19/7/16, commenced 1/4/16 following sunseting of previous instrument, registered 19/7/16.
Specification of ETA-Eligible Passports	<a href="#">GN 5</a>		F2006B00090	01/01/04	31/03/16	GN signed 10/06/02	no	Signed 31/12/03; commenced 01/01/04; Gazetted 04/02/04. Repealed by sunset provisions: s.50(1) Legislation Act 2003.

### Notes

- Subregulation 1.11B(1) provides that a passport is an ETA-eligible passport in relation to an application for a visa if it is a valid passport of a kind specified in an instrument as an ETA-eligible passport and if the conditions (if any) specified in an instrument for passports of that kind are satisfied in relation to that application.
- Subregulation 1.11B(2) provides that a passport is an ETA-eligible passport in relation to a visa of a particular Subclass if it is an ETA-eligible passport in accordance with subregulation (1) and it is specified in an instrument to be an ETA-eligible passport for that Subclass.
- There are further historical instruments/Gazette Notices in force before 01/01/2004 which have not been recorded in this Register. Please contact MRD Legal Services for further information.

Released by the  
AAT under FOI on  
19 September 2019



**eVisitor - Eligible Passports - r.1.11C**

Title	IMMI Ref	FRLI Ref	In Force		Revokes	Explanatory Statement	Notes
			From	Until			
eVisitor - eligible passports (Regulation 1.11C)	<a href="#">13/078</a>	F2013L01415	26/07/13	current	<a href="#">08/106</a>	<a href="#">yes</a>	Signed 16/07/13; registered 23/07/13; commenced 26/07/13
eVisitor - eligible passports (Regulation 1.11C)	<a href="#">08/106</a>	F2008L04321	25/11/08	25/07/13	<a href="#">08/100</a>	<a href="#">yes</a>	Signed 30/10/08; registered 24/11/08; commenced 25/11/08
eVisitor - eligible passports	<a href="#">08/100</a>	F2008L03771	27/10/08	24/11/08	-	<a href="#">yes</a>	Signed 15/10/08; commenced 27/10/08

**Notes**

1. Regulation 1.11C provides that a passport is an eVisitor-eligible passport if it is a valid passport of a kind specified by the Minister in an instrument in writing as an eVisitor-eligible passport, and the conditions (if any) specified in the instrument are satisfied.

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19 September 2019

Form, place and manner for making Medical Treatment (Visitor) (Class UB) visa applications - Item 1214A							
Title	REGULIN Ref	FPLC Reference	In Force		Revised	Supplementary Statement	Notes
			From	To			
Arrangements for Medical Treatment (Visitor) (Class UB) Visa Applications Instrument 2013 - L84 19046	13026	F2013L00145	02/03/19	current	18/06/19	13026	Signed 13/02/19, registered 15/02/19, commenced 02/03/19.
Arrangements for Medical Treatment (Visitor) (Class UB) Visa Applications Instrument 2018	13059	F2018L01194	29/08/18	1/03/2019	15/02/19	13059	Signed 20/08/18, registered 28/08/18, commenced 29/08/18.
Arrangements for Medical Treatment visa applications 2015 Item 1214A	13031	F2015L00258	18/04/15	20/10/2018	13/11/18	13031	Signed 18/04/15, registered 17/04/15, commenced 18/04/15.
Post Office Box, Courier Address and Fax Number (Subparagraphs 1214A(2)(a)(i), 1214A(2)(a)(ii) and 1214A(2)(a)(iii))	13116	F2013L01895	05/09/13	17/04/15	13/05/13	13116	Signed 03/09/13, registered 05/09/13, commenced 05/09/13.
Post Office Box, Courier Address and Facsimile Number (Subparagraphs 1214A(2)(a)(i), 1214A(2)(a)(ii) and 1214A(2)(a)(iii))	13091	F2013L00869	20/04/13	05/09/13	13/05/13	13091	Signed 17/04/13, registered 19/04/13, commenced 20/04/13.
Post Office Box, Courier Address and Facsimile Number (Subparagraphs 1214A(2)(a)(i), 1214A(2)(a)(ii) and 1214A(2)(a)(iii))	13001	F2013L00501	29/03/13	19/04/13	-	13001	Signed 18/03/13, commenced 23/03/13, terminated after the commencement of Migration Amendment Regulation 2013 (No. 1).

**Notes**

1. Paragraph 1214A(2)(a) of Schedule 1 to the Regulations provides that an application for a Medical Treatment (Visitor) (Class UB) visa made on or after 18/04/15 must be made at the place and in the manner specified by legislative instruments.

2. For visa applications made prior to 18/04/15, subparagraphs 1214A(2)(a)(i), 1214A(2)(a)(ii) and 1214A(2)(a)(iii) of Schedule 1 to the Regulations provide that an application for a Medical Treatment (Visitor) (Class UB) visa must be made by posting the application (with the correct pre-paid postage) to the post office address specified, delivery by courier service to the address specified, or by taking the application to the fax number specified in an instrument in writing for these subparagraphs.

3. For visa applications made on or after 18/04/15, the approved form is other made in a separate instrument Item 1214A(1).

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 19 September 2019

**Specified documentation that must accompany Medical Treatment (Visitor) (Class UB) visa application - Item 1214A**

Title	IMMI Ref	FRLI Reference	In Force		Revokes	Explanatory Statement	Notes
			From	Until			
Migration (IMMI 17/030: Subclass 602 (Medical Treatment) Visa - Approved Form) Instrument 2017	<a href="#">17/030</a>	F2017L00862	01/07/17	current		<a href="#">yes</a>	Signed 29/06/17, registered 30/06/17, commenced 01/07/17

**Notes**

1. Paragraph 1214A(3)(a) of Schedule 1 to the Regulations provides that an application made in Australia by a person who is not the holder of a substantive visa must be accompanied by the documentation specified under subitem (3A).

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19 September 2019

**Applications for Tourist (Class TR) and e-Visitor (Class TV) visas - items 1218(1) and 1218AA**

Title	IMMI Ref	FRLI Ref	In Force		Revokes	Explanatory Statement	Notes
			From	Until			
Arrangements for e-Visitor applications (Items 1218AA)	<a href="#">16/111</a>	F2016L01760	19/11/16	current	15/038	<a href="#">yes</a>	Signed 14/11/16; registered 15/11/16, commenced 19/11/16
Arrangements for e-Visitor and Subclass 676 applications (Items 1218 and 1218AA)	<a href="#">15/038</a>	F2015L00559	18/04/15	18/11/16	13/074	<a href="#">yes</a>	Signed 16/04/15; registered 17/04/2015; commenced 18/04/15
Class of Persons (Subparagraph 1218(1)(b)(ii))	<a href="#">13/074</a>	F2013L00959	01/07/13	17/04/15	13/006	<a href="#">yes</a>	Signed 07/06/13; commenced on 01/07/13.
Classes of Persons (Paragraphs 1218(1)(a)(ii) and 1218(1)(b)(ii))	<a href="#">13/006</a>	F2013L00541	23/03/13	30/06/13	<a href="#">11/086</a>	<a href="#">yes</a>	Signed 19/03/13; commenced on 23/03/13, immediately after the commencement of Migration Amendment Regulation (No. 1).

**Notes**

1. Subparagraphs 1218(1)(a)(ii) and 1218(1)(b)(ii) of Schedule 1 to the Regulations provide that internet applications for Tourist (Class TR) visas may be made if the applicant is in a class of persons specified in an instrument in writing .

2. For applications made on or after 18 April 2015, paragraph 1218(1) prescribes that the approved form for a Class TV visa is that specified in a legislative instrument. Subparagraph 1218AA(3)(aa) prescribes that an application must be made at a place, and in the manner specified in an instrument.

3 For instruments in force before 23/03/13 under the equivalent provisions for Tourist (Class TR) visa applications, go to: [InternetApp\(pre-23.03.13\)](#)

4. For instruments in force from 12/06/13 under the equivalent provisions for Visitor (Class FA) visa applications, go to: [InternetApp\(ClassFA\)](#)

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19 September 2019

**Arrangements for Visitor (Class FA) visa applications (forms, place and manner) -  
Item 1236**

Title	IMM/LIN Ref	FRLI Ref	In Force		Revokes	Explanatory Statement	Notes
			From	Until			
Migration (LIN 19/199: Arrangements for Visitor (Class FA) Visa Applications) Instrument 2019	<a href="#">19/199</a>	F2019C00698	24/08/2019	current	N/A - compilation	no	This instrument is a compilation of LIN 19/199, registered 12/09/2019, taking into account the amendment made by LIN 19/236.
Migration (LIN 19/199: Arrangements for Visitor (Class FA) Visa Applications) Instrument 2019	<a href="#">19/199</a>	F2019L01107 (amending instrument)	24/08/2019	current	N/A	<a href="#">yes</a>	Amending instrument <a href="#">LIN 19/236</a> repealed and substituted the table of arrangements for Frequent Traveller Stream (Schedule 6). The amending instrument was signed on 22/8/19, registered on 27/8/19 and commenced immediately after LIN 19/199 on 24/8/19.
		F2019L01088			18/118	<a href="#">yes</a>	Signed 20/08/2019; registered 23/08/2019; commenced 24/08/2019
Migration (IMMI 18/118: Arrangements for Visitor (Class FA) Visa Applications) Instrument 2018	<a href="#">18/118</a>	F2018L00806	1/07/2018	23/08/2019	17/124	<a href="#">yes</a>	Signed 14/06/2018; registered 20/06/2018; commenced 1/07/2018
Migration (IMMI 17/124: Arrangements for Visitor (Class FA) Visa Applications) Instrument 2017	<a href="#">17/124</a>	F2017L01454	18/11/2017	30/06/2018	17/076	<a href="#">yes</a>	Signed 2/11/17; registered 7/11/17; commenced 18/11/17
Arrangements for Visitor Visa Applications 2016 (Item 1236)	<a href="#">17/076</a>	F2017L00832	1/07/17	17/11/2017	17/021	<a href="#">yes</a>	Signed 27/06/17; registered 30/06/17; commenced 01/07/17.
Arrangements for Visitor Visa Applications 2016 (Item 1236)	<a href="#">17/021</a>	F2017L00128	20/02/17	30/06/17	16/102	<a href="#">yes</a>	Signed 13/02/17; registered 17/02/17; commenced 20/02/17.
Arrangements for Visitor Visa Applications 2016 (Item 1236)	<a href="#">16/102</a>	F2016L01892	12/12/16	19/02/17	16/009	<a href="#">yes</a>	Signed 8/12/16; registered 9/12/16; commenced 12/02/17.
Arrangements for Visitor Visa Applications 2015 (r.2.07 and Item 1236)	<a href="#">16/009</a>	F2016L00675	1/07/16	11/12/16	15/123	<a href="#">yes</a>	Signed 3/5/16; registered 6/5/16; commenced 1/7/16.
Arrangements for Visitor Visa Applications 2015 (Item 1236)	<a href="#">15/123</a>	F2015L01448	01/10/15	30/06/16	15/043	<a href="#">yes</a>	Signed 15/09/15; registered 17/09/15; commenced 01/10/15.
Arrangements for Visitor Visa Applications 2015 (Item 1236)	<a href="#">15/043</a>	F2015L00557	18/04/15	30/09/15		<a href="#">yes</a>	Signed 16/04/15; registered 17/04/15; commenced 18/04/15.

**Notes**

- Subitems 1236(1), (3), (4), (5), (6), and (6A) of Schedule 1 to the Regulations specify that the approved form, the place, and the manner in which an application for a Visitor (Class FA) visa can be made is specified in an instrument in writing made under subregulation 2.07(5). In addition, this instrument specifies travel agents who are approved to organise tours for PRC applicants under subitem 1236(6) of Schedule 1 to the Regulations, and passport holders who are able to make an Internet application. From 18/04/15 these specifications were consolidated into one instrument.
- Sub-regulation 2.07(5) provides that if a Schedule 1 item provides for specification by instrument of an approved form, the way an application must be made or place at which an application is to be made, the Minister may do so by instrument specified under this provision.
- For instruments in force under the equivalent provisions for Tourist (Class TR) visa applications, go to: [InternetApp\(ClassTR\)](#)
- For instruments in force before 18/04/15 for the sponsored family stream go to: [AddressSponsFamily\(pre-18.04.15\)](#)
- For instruments in force before 18/04/2015 specifying travel agents for PRC tour groups see: [TravelAgentsPRC\(pre-18.04.15\)](#)
- For instruments specifying persons eligible to make internet applications for Items 1236(1)(a)(ii), 1236(1)(b)(ii) and 1236(1)(c)(ii) for visa applications made prior to 18/04/15 go to: [NetApp\(ClassFA\)\(pre-18.04.15\)](#)

Released under  
AAT  
19 September 2019

**Persons for whom nil VAC applies for Visitor (Class FA) visa applications -  
Item 1236(2)(a)(iv)**

Title	IMMI Ref	FRLI Ref	In Force		Revokes	Explanatory Statement	Notes
			From	Until			
Class of Persons (Subparagraph 1236(2)(a)(iv))	<a href="#">15/049</a>	F2015L00697	19/05/15	Current	<a href="#">15/049</a>	<a href="#">yes</a>	Signed 11/05/15; registered 18/05/15; commenced 19/05/15; ceases on 16/09/15.
Class of Persons (Subparagraph 1236(2)(a)(iv))	<a href="#">14/032</a>	F2014L00344	26/03/14	Current	-	<a href="#">yes</a>	Signed 25/03/14; commenced 26/03/14; ceases on 01/4/24.
Class of Persons (Subparagraph 1236(2)(a)(iv))	<a href="#">14/022</a>	F2014L00215	04/03/14	18/05/15	<a href="#">13/084</a>	<a href="#">yes</a>	Signed 27/02/14; commenced 04/03/14; ceases on 01/07/15.
Class of Persons (Subparagraph 1236(2)(a)(iv))	<a href="#">13/084</a>	F2013L01315	05/07/13	01/12/13	-	<a href="#">yes</a>	Signed 02/07/13; commenced 05/07/13; ceased on 01/12/13.
Class of Persons (Item 4 of the table in paragraph 1236(2)(a))*	<a href="#">13/004</a>	F2013L00512	23/03/13	30/06/13	-	<a href="#">yes</a>	Signed 18/03/13; commenced 23/03/13, immediately after the commencement of <i>Migration Amendment Regulation 2013 (No. 1)</i> ; ceased on 30/06/13.

**Notes**

- Subparagraph 1236(2)(a)(iv) of Schedule 1 to the Regulations provides that for an applicant in a class of persons specified in an instrument in writing, a nil visa application charge (VAC) applies.
- Item 4 of the table in paragraph 1236(2)(a) of Schedule 1 to the Regulations (repealed and substituted by SLI 2013, No. 118 with effect from 1 July 2013) provided that for an applicant in a class of persons specified in an instrument in writing, a nil visa application charge (VAC) applies.
- For instruments in force before 23/03/2013 under the equivalent provisions for Tourist (Class TR) visa applications, go to: [NilVAC\(ClassTR\)](#).

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AAT under FOI on  
19 September 2019

**Areas of residence in the PRC - Visitor (Class FA) visa applications in the Approved Destination Status stream - Subclause 600.251(2)**

Title	IMMI Ref	FRLI Ref	In Force		Revokes	Explanatory Statement	Notes
			From	Until			
Visitor Visa Applications from Citizens of the People's Republic of China (Subclause 600.251(2))	<a href="#">13/008</a>	F2013L00513	23/03/13	current	<a href="#">06/002</a>	<a href="#">yes</a>	Signed 18/03/13; commenced 23/03/13, immediately following the commencement of Migration Amendment Regulation 2013 (No. 1).

**Notes**

1. Subclause 600.251(2) of Schedule 2 to the Regulations requires that an applicant for a Subclass 600 visa in the Approved Destination Status (ADS) stream must be a resident of an area of PRC specified in an instrument in writing for this subclause.

2. For instruments in force before 23/03/2013 under the equivalent provisions for Subclass 676 visas, go to:

[AreasPRC\(pre-23.03.13\)](#)

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AAT under FOI on  
19 September 2019

**Travel agents for PRC citizens applying for Tourist (Class TR) visas - pre-23/03/13 -  
item 1218(1)(b)(iii)**

Title	IMMI Ref	FRLI Reference	In Force		Revokes	Explanatory Statement	Notes
			From	Until			
Travel Agents for PRC Citizens Applying for Tourist Visas (Subparagraph 1218(1)(b)(iii))	<a href="#">12/131</a>	F2012L02453	01/01/13	<a href="#">22/03/13</a>	<a href="#">12/001</a>	<a href="#">yes</a>	Signed 30/11/12; commenced 01/01/13; revoked by IMMI 13/007 on 23/03/13 immediately following commencement of Migration Amendment Regulation 2013 (No.1).
Travel Agents for PRC Citizens Applying for Tourist Visas (Subparagraph 1218(1)(b)(iii))	<a href="#">12/001</a>	F2012L00144	15/02/12	31/12/12	<a href="#">11/019</a>	<a href="#">yes</a>	Signed 24/01/12; commenced 15/02/12.
Travel Agents for PRC Citizens Applying for Tourist Visas (Subparagraph 1218(1)(b)(iii))	<a href="#">11/019</a>	F2011L01518	15/08/11	14/02/12	<a href="#">10/071</a>	<a href="#">yes</a>	Signed 12/07/11; commenced 15/08/11.
Travel Agents for PRC Citizens Applying for Tourist Visas (Subparagraph 1218(1)(b)(iii))	<a href="#">10/071</a>	F2010L02623	11/10/10	14/08/11	<a href="#">10/070</a>	<a href="#">yes</a>	Signed 01/10/10; commenced 11/10/10.
Travel Agents for PRC Citizens Applying for Tourist Visas (Subparagraph 1218(1)(b)(iii))	<a href="#">10/070</a>	F2010L02479	18/09/10	10/10/10	<a href="#">10/034</a>	<a href="#">yes</a>	Signed 13/09/10; commenced 18/09/10.
Travel Agents for PRC Citizens Applying for Tourist Visas (Subparagraph 1218(1)(b)(iii))	<a href="#">10/034</a>	F2010L01389	18/06/10	17/09/10	<a href="#">09/130</a>	<a href="#">yes</a>	Signed 11/05/10; commenced 18/06/10.
Travel Agents for PRC Citizens Applying for Tourist Visas (Subparagraph 1218(1)(b)(iii))	<a href="#">09/130</a>	F2009L04214	23/11/09	17/06/10	<a href="#">09/096</a>	<a href="#">yes</a>	Signed 11/11/09; commenced 23/11/09.
Travel Agents for PRC Citizens Applying for Tourist Visas (Subparagraph 1218(1)(b)(iii))	<a href="#">09/096</a>	F2009L03210	15/08/09	22/11/09	<a href="#">09/085</a>	<a href="#">yes</a>	Signed 14/08/09; commenced 15/08/09.
Travel Agents for PRC Citizens Applying for Tourist Visas (Subparagraph 1218(1)(b)(iii))	<a href="#">09/085</a>	F2009L03031			<a href="#">09/042</a>	<a href="#">yes</a>	Signed 27/07/09; commenced 15/08/09, but revoked on commencement.
Travel Agents for PRC Citizens Applying for Tourist Visas (Subparagraph 1218(1)(b)(iii))	<a href="#">09/042</a>	F2009L01444	24/04/09	14/08/09	<a href="#">09/015</a>	<a href="#">yes</a>	Signed 17/04/09; commenced 24/04/09.
Travel Agents for PRC Citizens Applying for Tourist Visas (Subparagraph 1218(1)(b)(iii))	<a href="#">09/015</a>	F2009L00709	26/02/09	23/04/09	<a href="#">08/103</a>	<a href="#">yes</a>	Signed 23/02/09; commenced 26/02/09.
Travel Agents for PRC Citizens Applying for Tourist Visas (Subparagraph 1218(1)(b)(iii))	<a href="#">08/103</a>	F2008L04346	19/12/08	25/02/09	<a href="#">08/069</a>	<a href="#">yes</a>	Signed 01/11/08; commenced 19/12/08.
Travel Agents for PRC Citizens Applying for Tourist Visas (Subparagraph 1218(1)(b)(iii))	<a href="#">08/069</a>	F2008L03528	24/10/08	18/12/08	<a href="#">08/064</a>	<a href="#">yes</a>	Signed 09/09/08; commenced 24/10/08.
Travel Agents for PRC Citizens Applying for Tourist Visas (Subparagraph 1218(1)(b)(iii))	<a href="#">08/064</a>	F2008L03431	19/09/08	23/10/08	<a href="#">08/022</a>	<a href="#">yes</a>	Signed 28/08/08; commenced 19/09/08.
Travel Agents for PRC Citizens Applying for Tourist Visas (Subparagraph 1218(1)(b)(iii))	<a href="#">08/022</a>	F2008L01155	25/04/08	18/09/08	<a href="#">07/070</a>	<a href="#">yes</a>	Signed 10/04/08; commenced 25/04/08.
Travel Agents for PRC Citizens Applying for Tourist Visas (Subparagraph 1218(1)(b)(iii))	<a href="#">07/070</a>	F2007L03774	25/09/07	24/04/08	<a href="#">07/059</a>	<a href="#">yes</a>	Signed 10/09/07; commenced 25/09/07.
Travel Agents for PRC Citizens Applying for Tourist Visas (Regulation 1218(1)(b)(iii))	<a href="#">07/059</a>	F2007L02581	16/08/07	24/09/07	<a href="#">07/001</a>	<a href="#">yes</a>	Signed 08/08/07; commenced 16/08/07.
Travel Agents for PRC Citizens Applying for Tourist Visas (Regulation 1218(1)(b)(iii))	<a href="#">07/001</a>	F2007L00478	23/02/07	15/08/07	<a href="#">06/082</a>	<a href="#">yes</a>	Signed 12/02/07; commenced 23/02/07.
Travel Agents for PRC Citizens Applying for Tourist Visas (Regulation 1218(1)(b)(iii))	<a href="#">06/082</a>	F2006L03857	30/11/06	22/02/07	<a href="#">06/072</a>	<a href="#">yes</a>	Signed 23/11/06; commenced 30/11/06.
Travel Agents for PRC Citizens Applying for Tourist Visas (Regulation 1218(1)(b)(iii))	<a href="#">06/072</a>	F2006L03364	21/11/06	29/11/06	<a href="#">06/013</a>	<a href="#">yes</a>	Signed 27/10/06; commenced 21/11/06.



Travel Agents for PRC Citizens Applying for Tourist Visas (Regulation 1218(1)(b)(iii))	<a href="#">06/013</a>	F2006L00646	28/02/06	20/11/06	<a href="#">05/101</a>	<a href="#">yes</a>	Signed 24/02/06; commenced 28/02/06.
Travel Agents for PRC Citizens Applying for Tourist Visas (Regulation 1218(1)(b)(iii))	<a href="#">05/101</a>	F2005L04155	21/12/05	27/02/06	Instrument signed 08/12/05	<a href="#">yes</a>	Signed 15/12/05; commenced 21/12/05.

**Notes**

1. Paragraph 1218(1)(b) of Schedule 1 to the Regulations provided for the form to be used to make a valid application for a Tourist (Class TR) visa for certain PRC applicants intending to travel to Australia as a member of a tour organised by a travel agent specified in an instrument in writing for subparagraph (iii).

2. For instruments in force from 23/03/13 under the equivalent provisions for Visitor (Class FA) visa applications, go to:

[TravelAgentsPRC](#)

3. There are further historical Instruments/Gazette Notices in force before 21/12/05 which have not been recorded in this Register. Please contact MRD Legal Services for further information if required.

Released by the  
AAT under FOI on  
19 September 2019

**Persons for whom nil VAC applies for Tourist (Class TR) visas -  
item 1218(2)(a)(i)(B) - pre 23/03/13**

Title	IMMI Ref	FRLI Ref	In Force		Revokes	Explanatory Statement	Notes
			From	Until			
Classes of Persons (Subsubparagraph 1218(2)(a)(i)(B))	<a href="#">10/080</a>	F2011L00206	15/02/11	<a href="#">22/03/13</a>	<a href="#">07/052</a>	<a href="#">yes</a>	Signed 20/01/11; commenced on 15/02/11; revoked by IMMI 13/005 on 23/03/13 immediately after the commencement of Migration Amendment Regulation 2013 (No.1).
Classes of Persons (Regulation 1218(2)(a)(i)(B))	<a href="#">07/052</a>	F2007L02410	31/07/07	14/02/11	<a href="#">07/036</a>	<a href="#">yes</a>	Signed 30/07/07; commenced on 31/07/07.
Classes of Persons (Regulation 1218(2)(a)(i)(B))	<a href="#">07/036</a>	F2007L01929	01/07/07	30/07/07	-	<a href="#">yes</a>	Signed 24/06/07; commenced on 01/07/07 immediately after the commencement of the Migration Amendment Regulations 2007 (No. 4).

**Notes**

- Sub-subparagraph 1218(2)(a)(i)(B) of Schedule 1 to the Regulations provides that for applicants in classes of persons specified in an instrument in writing, a nil visa application charge (VAC) will apply.
- For instruments in force from 23/03/13 under the equivalent provisions for Visitor (Class FA) visa applications, go to: [NIVAC](#)

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19 September 2019

**Persons eligible to make internet applications for Tourist (Class TR) visas - pre-23/03/13 - item 1218(3)(d)**

Title	IMMI Ref	FRLI Ref	In Force		Revokes	Explanatory Statement	Notes
			From	Until			
Classes of Persons (Paragraph 1218(3)(d))	<a href="#">11/086</a>	F2012L00091	15/02/12	<a href="#">22/03/13</a>	<a href="#">11/055</a>	<a href="#">yes</a>	Signed 16/01/12; commenced on 15/02/12; revoked by IMMI 13/006 on 23/03/13 immediately after the commencement of Migration Amendment Regulation (No. 1).
Classes of Persons (Paragraph 1218(3)(d))	<a href="#">11/055</a>	F2011L01836	20/09/11	14/02/12	<a href="#">11/025</a>	<a href="#">yes</a>	Signed 18/08/11; commenced on 20/09/11.
Classes of Persons (Paragraph 1218(3)(d))	<a href="#">11/025</a>	F2011L01362	01/07/11	19/09/11	<a href="#">09/128</a>	<a href="#">yes</a>	Signed 24/05/11; commenced on 01/07/11.
Classes of Persons (Paragraph 1218(3)(d))	<a href="#">09/128</a>	F2009L04288	21/11/09	30/06/11	<a href="#">07/011</a>	<a href="#">yes</a>	Signed 17/11/09; commenced on 21/11/09.
Classes of persons who may make an Internet Application for a Tourist Visa (Regulation 1218(3)(d))	<a href="#">07/011</a>	F2007L00869	28/03/07	20/11/09	<a href="#">07/009</a>	<a href="#">yes</a>	Signed 26/03/07; commenced on 28/03/07.
Classes of persons who may make an Internet Application for a Tourist Visa (Regulation 1218(3)(d))	<a href="#">07/009</a>	F2007L00706	-	-	<a href="#">06/047</a>	<a href="#">yes</a>	Signed 22/03/07; commenced on 28/03/07, but revoked on commencement.
Classes of persons who may make an Internet Application for a Tourist Visa (Regulation 1218(3)(d))	<a href="#">06/047</a>	F2006L02762	21/08/06	27/03/07	<a href="#">05/037</a>	<a href="#">yes</a>	Signed 19/08/06; commenced on 21/08/06.
Specification of class of persons for the purposes of paragraph 1218(3)(d) of the Migration Regulations 1994	<a href="#">05/037</a>	F2005L01621	01/07/05	20/08/06	GN signed 23/03/05	<a href="#">yes</a>	Signed 28/06/05; commenced on 01/07/05.

**Notes**

- Paragraph 1218(3)(d) of the Regulations provided that internet applications for Tourist visas may be made if, and only if, the applicant is in a class of persons specified in an instrument in writing for the purposes of this paragraph.
- For instruments in force from 23/03/13 under the equivalent provisions for Tourist (Class TR) visa applications, go to: [InternetApp\(ClassTR\)](#)
- For instruments in force from 12/06/13 under the equivalent provisions for Visitor (Class FA) visa applications, go to: [InternetApp\(ClassFA\)](#)
- There are further historical Gazette Notices in force before 01/07/05 which have not been recorded in this Register. Please contact MRD Legal Services for further information.

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**Organisations that may sponsor short stay business visitors - pre-23/03/13 -  
cl.459.214(c)**

Title	IMMI Ref	FRLI Ref	In Force		Revokes	Explanatory Statement	Notes
			From	Until			
Organisations that may Sponsor Short Stay Business Visitors (Paragraph 459.214(c))	<a href="#">10/092</a>	F2011L00204	15/02/11	<a href="#">22/03/13</a>	<a href="#">08/037</a>	<a href="#">yes</a>	Signed 1/02/11; commenced 15/02/11; revoked by IMMI 13/035 on 23/03/13 immediately after the commencement of Migration Amendment Regulation 2013 (No. 1).
Organisations that may Sponsor Short Stay Business Visitors (Paragraph 459.214(c))	<a href="#">08/037</a>	F2008L02848	09/08/08	14/02/11	<a href="#">07/051</a>	<a href="#">yes</a>	Signed 21/07/08; commenced 09/08/08.
Organisations that may Sponsor Short Stay Business Visitors (Paragraph 459.214(c))	<a href="#">07/051</a>	F2007L02345	03/08/07	08/08/08	<a href="#">07/019</a>	<a href="#">yes</a>	Signed 23/07/07; commenced 03/08/07.
Organisations that may Sponsor Short Stay Business Visitors (Paragraph 459.214(c))	<a href="#">07/019</a>	F2007L01290	09/05/07	02/08/07	<a href="#">07/015</a>	<a href="#">yes</a>	Signed 02/05/07; commenced 09/05/07.
Organisations that may Sponsor Short Stay Business Visitors (Paragraph 459.214(c))	<a href="#">07/015</a>	F2007L00325	19/04/07	08/05/07	<a href="#">07/003</a>	<a href="#">yes</a>	Signed 10/04/07; commenced 19/04/07.
Organisations that may Sponsor Short Stay Business Visitors (Paragraph 459.214(c))	<a href="#">07/003</a>	F2007L00327	14/02/07	18/04/07	<a href="#">06/089</a>	<a href="#">yes</a>	Signed 06/02/07; commenced 14/02/07.
Organisations that may Sponsor Short Stay Business Visitors (Paragraph 459.214(c))	<a href="#">06/089</a>	F2006L04128	21/12/06	13/02/07	<a href="#">06/083</a>	<a href="#">yes</a>	Signed 12/12/06; commenced 21/12/06.
Organisations that may Sponsor Short Stay Business Visitors (Paragraph 459.214(c))	<a href="#">06/083</a>	F2006L03933	06/12/06	20/12/06	<a href="#">06/076</a>	<a href="#">yes</a>	Signed 27/11/06; commenced 06/12/06.
Organisations that may Sponsor Short Stay Business Visitors (Paragraph 459.214(c))	<a href="#">06/076</a>	F2006L03602	04/11/06	05/12/06	<a href="#">06/058</a>	<a href="#">yes</a>	Signed 29/10/06; commenced 04/11/06.
Organisations that may Sponsor Short Stay Business Visitors (Paragraph 459.214(c))	<a href="#">06/058</a>	F2006L02571	08/08/06	03/11/06	<a href="#">06/029</a>	<a href="#">yes</a>	Signed 01/08/06; commenced 08/08/06.
Organisations that may Sponsor Short Stay Business Visitors (Paragraph 459.214(c))	<a href="#">06/029</a>	F2006L02208	07/07/06	07/08/06	<a href="#">06/004</a>	<a href="#">yes</a>	Signed 30/06/06; commenced 07/07/06.
Organisations that may Sponsor Short Stay Business Visitors (Paragraph 459.214(c))	<a href="#">06/004</a>	F2006L00804	29/03/06	06/07/06	<a href="#">05/092</a>	<a href="#">yes</a>	Signed 01/03/06; commenced 29/03/06.
Organisations that may Sponsor Short Stay Business Visitors (Paragraph 459.214(c))	<a href="#">05/092</a>	F2005L03893	14/12/05	28/03/06	Instrument signed 31/08/05	<a href="#">yes</a>	Signed 29/11/05; commenced 14/12/05.

**Notes**

- Paragraph 459.214(c) of Schedule 2 to the Regulations provided that an applicant for a Sponsored Business Visitor (Short Stay) (Subclass 459) visa may be sponsored by an organisation specified in a Gazette Notice for this paragraph.
- There are further historical Instruments/Gazette Notices in force before 14/12/05 which have not been recorded in this Register. Please contact MRD Legal Services for further information.

**Areas of residence in the PRC - Tourist (Class TR) visa applications from PRC Citizens - pre-23/03/13 - cl.676.214(a)**

Title	IMMI Ref	FRLI Ref	In Force		Revokes	Explanatory Statement	Notes
			From	Until			
Tourist Visa Applications from Citizens of the People's Republic of China (Paragraph 676.214(a))	<a href="#">06/002</a>	F2006L00658	28/02/06	<a href="#">22/03/13</a>	<a href="#">05/043</a>	<a href="#">yes</a>	Signed 24/02/06; commenced 28/02/06; revoked by IMMI 13/008 on 23/03/13 immediately following the commencement of Migration Amendment Regulation 2013 (No. 1).
Specification of Areas in the People's Republic of China for the purposes of paragraph 676.214(a) of the Migration Regulations 1994	<a href="#">05/043</a>	F2005L01627	01/07/05	27/02/06	Notice signed 15/04/04	<a href="#">yes</a>	Signed 22/06/05; commenced 01/07/05.

**Notes**

1. Clause 676.214 of Schedule 2 to the Regulations provided that if an application is made by a citizen of the PRC mentioned in subparagraph 1218(1)(b) in Schedule 1 to the Regulations, the applicant must be a resident of an area in the PRC specified by Gazette Notice for the purposes of paragraph 676.214(a).

2. For instruments in force from 23/03/2013 under the equivalent provisions for Subclass 600 visas, go to:

[AreasPRC](#)

3. There are further historical Gazette Notices in force before 01/07/05 which have not been recorded in this Register. Please contact MRD Legal Services for further information.

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**Addresses for making Visitor (Class FA) visa applications in the Sponsored Family stream -  
item 1236(4), table item 1 - pre 18/04/15**

Title	IMMI Ref	FRLI Ref	In Force		Revokes	Explanatory Statement	Notes
			From	Until			
Specification of Addresses (Item 1 of the table in subitem 1236(4))	<a href="#">13/002</a>	F2013L00505	23/03/13	17/04/15	-	<a href="#">yes</a>	Signed 18/03/13; commenced 23/03/13, immediately after the commencement of Migration Amendment Regulation 2013 (No. 1); revoked by IMMI 15/043.

**Notes**

1. Item 1 of the table in subitem 1236(4) of Schedule 1 to the Regulations provides that for a Visitor (Class FA) visa application in the Sponsored Family stream, the application must be made in a manner specified in an instrument in writing for this item.

2. For instrument for 1236(4) for visa applications made on or after 18/04/15 see the combined instrument (which also covers approved form and manner of making the application):

[VisApp\(Class FA\)](#)

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19 September 2019

**Persons eligible to make internet applications for Visitor (Class FA) visas -  
Items 1236(1)(a)(ii), (b)(ii) and (c)(ii) - pre 18/04/15**

Title	IMMI Ref	FRLI Ref	In Force		Revokes	Explanatory Statement	Notes
			From	Until			
Classes of Persons (Subparagraphs 1236(1)(a)(ii), 1236(1)(b)(ii) and 1236(1)(c)(ii))	<a href="#">14/105</a>	F2014L01528	23/11/14	17/04/15	<a href="#">14/060</a>	<a href="#">yes</a>	Instrument signed 10/11/14; registered 17/11/14; commenced 23/11/2014; revoked by IMMI15/043.
Classes of Persons (Subparagraphs 1236(1)(a)(ii), 1236(1)(b)(ii) and 1236(1)(c)(ii))	<a href="#">14/104</a>	F2014L01524	23/11/14	17/04/15	n/a	<a href="#">yes</a>	Instrument signed 10/11/14; registered 17/11/14; commenced 23/11/2014.
Classes of Persons (Subparagraphs 1236(1)(a)(ii), 1236(1)(b)(ii) and 1236(1)(c)(ii))	<a href="#">14/060</a>	F2014L01035	01/08/14	22/11/14	<a href="#">14/035</a>	<a href="#">yes</a>	Instrument signed 23/07/14; commenced 1/08/2014.
Classes of Persons (Subparagraphs 1236(1)(a)(ii), 1236(1)(b)(ii) and 1236(1)(c)(ii))	<a href="#">14/035</a>	F2014L00444	09/05/14	31/07/14	<a href="#">13/135</a>	<a href="#">yes</a>	Instrument signed 23/04/14; commenced 9/05/2014.
Classes of Persons (Subparagraphs 1236(1)(a)(ii), 1236(1)(b)(ii) and 1236(1)(c)(ii))	<a href="#">13/135</a>	F2013L01880	14/11/13	08/05/14	<a href="#">13/103</a>	<a href="#">yes</a>	Instrument signed 28/10/13; commenced 14/11/2013.
Classes of Persons (Subparagraphs 1236(1)(a)(ii), 1236(1)(b)(ii) and 1236(1)(c)(ii))	<a href="#">13/103</a>	F2013L01699	20/09/13	13/11/13	<a href="#">13/100</a>	<a href="#">yes</a>	Instrument signed 16/09/13; commenced 20/09/13.
Classes of Persons (Subparagraphs 1236(1)(a)(ii), 1236(1)(b)(ii) and 1236(1)(c)(ii))	<a href="#">13/100</a>	F2013L01428	28/07/13*	19/09/13	<a href="#">13/003</a>	<a href="#">yes</a>	* Instrument signed 24/07/13; commenced 28/07/13 with schedules commenced as follows: Schs 1-5 - 28/07/13 Sch 6 - 16/08/13
Classes of Persons (Subparagraphs 1236(1)(a)(ii), 1236(1)(b)(ii) and 1236(1)(c)(ii))	<a href="#">13/003</a>	F2013L00943	12/06/13*	27/07/13	-	<a href="#">yes</a>	* Instrument signed 07/06/13; commenced 12/06/13 with schedules commenced as follows: Sch 1 - 12/06/13 Sch 2 - 01/07/13 Sch 3 - 01/07/13 Sch 4 - 08/07/13 Sch 5 - 22/07/13 Sch 6 - 29/07/13

**Notes**

- Subparagraphs 1236(1)(a)(ii), 1236(1)(b)(ii) and 1236(1)(c)(ii) of Schedule 1 to the Regulations provide that internet applications for a Subclass 600 visa in the Tourist, Sponsored Family or Business Visitor stream may be made if the applicant is in a class of persons specified in an instrument in writing for the purposes of these subparagraphs.
- For instruments in force under the equivalent provisions for Tourist (Class TR) visa applications, go to: [InternetApp\(ClassTR\)](#)
- For instruments in force before 18/04/2015 for the sponsored family stream go to: [AddressSponsFamily](#)
- For instruments in force before 18/04/2015 specifying travel agents for PRC tour groups see: [TravelAgentsPRC](#)
- Instrument for 1236(1) from 18/04/2015 see: [VisApp\(Class FA\)](#)

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**Travel agents for PRC citizens applying for Visitor (Class FA) visas -  
Item 1236(6), table item 3 - pre 18/04/15**

Title	IMMI Ref	FRLI Ref	In Force		Revokes	Explanatory Statement	Notes
			From	Until			
Travel Agents for PRC Citizens Applying for Visitor Visas (Item 3 of the table in subitem 1236(6))	<a href="#">15/007</a>	F2014L01600	01/01/15	17/04/15	<a href="#">13/134</a>	yes	Signed 19/11/14; registered 28/11/14; commences 1 January 2015; revoked by IMMI15/043.
Travel Agents for PRC Citizens Applying for Visitor Visas (Item 3 of the table in subitem 1236(6))	<a href="#">13/134</a>	F2013L01910	23/11/13	01/01/15	<a href="#">13/007</a>	yes	Signed 04/11/13; commences 23 /11/13.
Travel Agents for PRC Citizens Applying for Visitor Visas (Item 3 of the table in subitem 1236(6))	<a href="#">13/007</a>	F2013L00511	23/03/13	22/11/13	<a href="#">12/131</a>	yes	Signed 18/03/13; commenced 23/03/13, immediately following the commencement of Migration Amendment Regulation 2013 (No. 1).

**Notes**

1. Item 3 of the table in subitem 1236(6) of Schedule 1 to the Regulations provides that for a Visitor (Class FA) visa application in the Approved Destination Status stream, the applicant must be intending to travel to Australia as a member of a tour group organised by a travel agent specified in an instrument in writing for this item.

2. For instruments in force before 23/03/13 under the equivalent provisions for Tourist (Class TR) visa applications, go to:

[TravelAgentsPRC\(pre-23.03.13\)](#)

3. For the Instrument for 1236(6) for visa applications made on or after 18/04/15 see the combined form, place and manner of application instrument. Go to: [VisApp\(Class FA\)](#)

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