



## **Migration Amendment (Priority Consideration of Certain Visa Applications) Regulation 2016**

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I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 10 March 2016

Peter Cosgrove  
Governor-General

By His Excellency's Command

Peter Dutton  
Minister for Immigration and Border Protection

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## 1 Name

This is the *Migration Amendment (Priority Consideration of Certain Visa Applications) Regulation 2016*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	15 March 2016.	15 March 2016

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the *Migration Act 1958*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

### *Migration Regulations 1994*

#### **1 After Division 2.2A of Part 2**

Insert:

#### **Division 2.2B—Priority consideration of certain visa applications on request**

##### **2.12M Priority consideration of certain visa applications on request**

- (1) On a request made in accordance with this regulation in relation to a valid application for a visa, the Minister may prioritise the consideration of the application.
- (2) An applicant for a visa may make a request under this regulation only if:
  - (a) the visa is of a kind specified by the Minister under subregulation (7); and
  - (b) the applicant:
    - (i) holds a valid passport of a kind specified by the Minister under subregulation (7) in relation to that kind of visa; and
    - (ii) meets any other requirements specified by the Minister under subregulation (7) in relation to that kind of visa and that kind of valid passport; and
  - (c) the application is made:
    - (i) using an approved form specified by the Minister under subregulation (7) in relation to that kind of visa and that kind of valid passport; and
    - (ii) in a way specified by the Minister under subregulation (7) in relation to that kind of visa, that kind of valid passport and that approved form.
- (3) The request must be made:
  - (a) as permitted by subregulation (4); or
  - (b) in a form approved by the Minister under regulation 1.18 for the purposes of this paragraph.
- (4) If the approved form for the application enables the making of the request, the request may be made as enabled by the approved form.
- (5) A request made as mentioned in paragraph (3)(b) must be made:
  - (a) using an approved form specified by the Minister under subregulation (7) in relation to the kind of visa applied for and the kind of valid passport held by the applicant; and
  - (b) in a way specified by the Minister under subregulation (7) in relation to that kind of visa, that kind of valid passport and that approved form.
- (6) The fee for the request prescribed under regulation 2.12N must be paid in accordance with that regulation.

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- (7) The Minister may, by legislative instrument, specify matters for subregulations (2) and (5).
  - (8) The legislative instrument may specify different matters for different classes of applicant.

**2.12N Fee for request for priority consideration of visa applications**

- (1) The fee for a request for priority consideration of a visa application under regulation 2.12M is \$1 000.
- (2) The fee must be paid to the Commonwealth at, or before, the time the request is made.
- (3) If the request is made on the internet (whether the request is made in the approved form for the application or made separately), the fee must be paid by:
  - (a) credit card, in accordance with the instructions given to the applicant as part of making the request; or
  - (b) funds transfer, in accordance with the instructions given to the applicant as part of making the request.

Note: A credit card surcharge is payable if a fee, or part of a fee, is paid by credit card: see regulation 5.41A.

**2.12P Refund of fee for request for priority consideration of visa applications**

- (1) The Minister must refund the fee for a request for priority consideration of a visa application if the Minister decides, under regulation 2.12F, to refund the visa application charge paid in relation to that application.
- (2) The refund under this regulation must be paid to the person who paid the fee.
- (3) A refund under this regulation may be paid:
  - (a) in Australian currency; or
  - (b) if the amount of the fee in respect of which the refund is being paid was paid in another currency, in that other currency.

## **Schedule 2—Application and transitional provisions**

### ***Migration Regulations 1994***

#### **1 Schedule 13**

Insert in its appropriate numerical position:

### **Part 53—Amendments made by the Migration Amendment (Priority Consideration of Certain Visa Applications) Regulation 2016**

#### **5301 Operation of Schedule 1**

The amendments of these Regulations made by Schedule 1 to the *Migration Amendment (Priority Consideration of Certain Visa Applications) Regulation 2016* apply in relation to an application for a visa made on or after 15 March 2016.

Note: Schedule 1 to the *Migration Amendment (Priority Consideration of Certain Visa Applications) Regulation 2016* commences on 15 March 2016.