

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

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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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.

(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.