

Migration (IMMI 18/100: Arrangements for Applications for Bridging Visas) Instrument 2018

I, **RICHARD JOHNSON**, Delegate of the Minister for Home Affairs and Minister for Immigration and Border Protection, make the following instrument.

Dated 24/6/18

**Richard Johnson**

**RICHARD JOHNSON**
Senior Executive Service Band Two
Immigration, Citizenship and Multiculturalism Policy Division

Delegate of the Minister for Home Affairs

Delegate of the Minister for Immigration and Border Protection

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Part 1 – Preliminary

1 Name

1. This instrument is the *Migration (IMMI 18/100: Arrangements for Applications for Bridging Visas) Instrument 2018*.
2. This instrument may be cited as IMMI 18/100.

2 Commencement

This instrument commences on 1 July 2018.

3 Authority

This instrument is made under subregulation 2.07(5) of the Regulations.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

Note 1: A number of expressions used in this instrument are defined in:

1. regulation 1.03 of the Regulations;
2. subsection 5(1) of the Act..

Note 2: Subsection 172(2) of the Act provides for when a person is in immigration clearance.

1. In this instrument:

***Act*** means the *Migration Act 1958.*

***approved form*** has the meaning given by subsection 5(1) of the Act.

***bridging visa*** means each of the following:

1. Bridging A (Class WA);
2. Bridging B (Class WB);
3. Bridging C (Class WC);
4. Bridging D (Class WD);
5. Bridging E (Class WE);
6. Bridging F (Class WF).

***internet form*** means a form mentioned in paragraph [1.18(2)(b)](https://legend.border.gov.au/migration/2017-2020/2018/01-06-2018/regs/Pages/_document00000/_level%20100001/level%20200005.aspx#JD_1184024140b41);

***permitted email address*** means each of the following:

1. BVEapplication.WA@homeaffairs.gov.au;
2. BVEapplication.QLD@homeaffairs.gov.au;
3. BVEapplication.NSW@homeaffairs.gov.au;
4. BVEapplication.VIC@homeaffairs.gov.au;
5. BVEapplication.SA@homeaffairs.gov.au;
6. BVEapplication.NT@homeaffairs.gov.au; or
7. BVEapplication.TAS@homeaffairs.gov.au.

***Regulations*** means the *Migration Regulations 1994.*

***substantive visa*** has the meaning given by subsection 5(1) of the Act.

***visa*** has the meaning given by subsection 5(1) of the Act.

1. For the purposes of sections 6 and 7, a person has a ***pending BVE application*** if the person has made an application for a Bridging E (Class WE) visa and:
2. the application has not been determined to be invalid; and
3. the application has not been withdrawn by the applicant; and
4. the Minister has not granted the Bridging E (Class WE) visa; and
5. the Minister has not refused to grant the Bridging E (Class WE) visa.

Part 2 – Arrangements for Applications for Bridging Visas

6 Approved Forms

1. For subitems 1301(1), 1302(1), 1303(1), 1304(1), 1305(1), and 1306(1) of Schedule 1 to the Regulations, for the purposes of an application for a bridging visa mentioned in an item in column 1 of the table in Schedule 1, each of the approved forms mentioned in column 2 and column 3 of the table for that item is specified as an application form for that visa class.
2. In addition:
	1. if authorised by the Department to apply for a substantive visa; and
	2. the application is made using form 482D or 482V as specified in an instrument made under subregulation 2.07(5) of the Regulations;

form 482D or 482V is specified for a Bridging A (Class WA) visa.

1. In addition:
	1. if authorised by the Department to apply for a substantive visa; and
	2. the application is made using form 482D or 482V as specified in an instrument made under subregulation 2.07(5) of the Regulations;

form 482D or 482V is specified for a Bridging C (Class WC) visa.

1. In addition, if the applicant does not have any other pending BVE application form 1008 (Internet) is specified for subitem 1305(1).

7 Place and manner for making an application

For paragraphs 1301(3)(a), 1302(3)(a), 1303(3)(a), 1304(3)(a), 1305(3)(a) and 1306(3)(a) of Schedule 1 to the Regulations, the specified place and manner for making an application for a bridging visa is:

1. for all bridging visa applications – if the form for making the bridging visa application is also a form for making a substantive visa application - the same place and manner specified in an instrument made under subregulation 2.07(5) of the Regulations for making an application for the corresponding substantive visa; or
2. for a Bridging E (Class WE) visa application if the person has any other pending BVE application – at an office of immigration in Australia, but not in immigration clearance;
3. in any other case:
4. if the application form used is an internet form – as an internet application; or
5. if the application form is not an internet form - at an office of immigration in Australia, but not in immigration clearance.

Note: Regulation 2.10C of the Regulations provides for the time of making an internet application.

8 Additional place and manner for making a Bridging Visa E (Class WE) application on paper forms 1005 and 1008

1. For paragraph 1305(3)(a) of Schedule 1 to the Regulations, an additional specified place and manner for making an application for a Bridging E (Class WE) visa on paper form 1005 or 1008, is electronically, but only if the application is sent by email to a permitted email address.
2. For the purposes of paragraph 1305(3)(a) of Schedule 1 to the Regulations, applications for a Bridging E (Class WE) visa made on paper form 1005 or 1008 must not be made by any electronic means, including by fax, other than as specified in subsection (1).

Schedule 1 – Forms for Bridging Visa Applications

| **Item** | **Column 1****Visa Subclass** | **Column 2****Paper form for application** | **Column 3****Internet form for application** |
| --- | --- | --- | --- |
| 1. | *Bridging A (Class WA)*  | 47SP47CH47PA47PT47OF47ES47BT47BU47SV147157A157G85286691810021005 | 1066115012081276136413831403140914791480 | 47SP (Internet)157A (Internet)157G (Internet)482D (Internet)482V (Internet)866 (Internet)1005 (Internet)1066 (Internet)1066S (Internet)1150E (Internet)1208 (Internet)1276 (Internet)1393 (Internet)1396 (Internet)1397 (Internet)1398 (Internet)1403 (Internet)1408 (Internet)1479 (Internet)1480 (Internet) |
| 2. | *Bridging B (Class WB)* | 10051006 | 1005 (Internet)1006 (Internet) |
| 3. | *Bridging C (Class WC)*  | 47PT47SP47CH47PA47OF47ES47BU47SV147157A157G8528669181002100510661150 | 12081276136413831403140914791480 | 47SP (Internet)157A (Internet)157G (Internet)482D (Internet)482V (Internet)866 (Internet)1005 (internet)1066 (Internet)1066S (Internet)1150E (Internet)1208 (Internet)1276 (Internet)1393 (Internet)1396 (Internet)1397 (Internet)1398 (Internet)1403 (Internet)1408 (Internet)1479 (Internet)1480 (Internet) |
| 4. | *Bridging D  (Class WD)*  | 1007 | Not permitted |
| 5. | *Bridging E (Class WE)*  | 47PT47SP47CH47PA 47OF47ES47BU47SV147157A157G790852866 918 | 100210051008 1066115012081276 13641383  1403140914791480 | 47SP (Internet) 157A (Internet) 157G (Internet)866 (Internet)1066 (Internet)1066S (Internet) 1150E (Internet) 1208 (Internet)1276 (Internet)1403 (Internet)1479 (Internet)1480 (Internet) |
| 6. | *Bridging F (Class WF)*  | 1239 | Not permitted |

Schedule 2 – Repeals

Migration (IMMI 18/057: Arrangements for Applications for Bridging Visas) Instrument 2018 (F2018L00289)

The whole of the instrument

Repeal the instrument.