



## **Migration (LIN 18/029: Arrangements for Protection, Refugee and Humanitarian Visas) Instrument 2018**

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I, Luke Mansfield, Delegate of the Minister for Home Affairs and Immigration and Border Protection, make the following instrument.

Dated 20 August 2018

Luke Mansfield

LUKE MANSFIELD  
Senior Executive Service, Band Two, Refugee, Citizenship and Multicultural Programs  
Division and  
Delegate of the Minister for Home Affairs and Minister for Immigration and Border  
Protection

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## Part 1 – Preliminary

### 1 Name

- (1) This instrument is the Migration (*LIN 18/029: Arrangements for Protection, Refugee and Humanitarian Visas*) Instrument 2018.
- (2) It may be cited as LIN 18/029.

### 2 Commencement

This instrument commences on the day after registration on the Federal Register of Legislation.

### 3 Authority

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

### 4 Definitions

Note: A number of expressions used in this instrument are defined in section 5 of the *Migration Act 1958*, including the following:

- (a) ***approved form***;
- (b) ***visa***.

In this instrument:

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

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

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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## **Part 2 – Arrangements for Protection, Refugee and Humanitarian Visas**

### **6 Protection (Class XA) visa**

For the purposes of item 1401 of Schedule 1 to the Regulations, for the corresponding kind of applicant in Column 1 of the table in Schedule 1:

- (a) the approved form is specified in Column 2; and
- (b) the place and manner for making an application is specified in Column 3.

### **7 Refugee and Humanitarian (Class XB) visa**

For the purposes of item 1402 of Schedule 1 to the Regulations, for the corresponding kind of applicant in Column 1 of the table in Schedule 2:

- (a) the approved form is specified in Column 2; and
- (b) the place and manner for making an application is specified in Column 3.

### **8 Temporary Protection (Class XD) visa**

For the purposes of item 1403 of Schedule 1 to the Regulations, for the corresponding kind of applicant in Column 1 of the table in Schedule 3:

- (a) the approved form is specified in Column 2; and
- (b) the place and manner for making an application is specified in Column 3.

### **9 Safe Haven Enterprise (Class XE) visa**

For the purposes of item 1404 of Schedule 1 to the Regulations, for the corresponding kind of applicant in Column 1 of the table in Schedule 4:

- (a) the approved form is specified in Column 2; and
- (b) the place and manner for making an application is specified in Column 3.

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## **Part 3 – Application**

### 7 Application of this instrument

This instrument applies to an application for a Protection (Class XA) visa, Refugee and Humanitarian (Class XB) visa, Temporary Protection (Class XD) visa and Safe Haven Enterprise (Class XE) visa made on or after the commencement of this instrument.

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## Schedule 1 – Arrangements for Protection (Class XA) Visa

Item No.	COLUMN 1 Kind of Applicant	COLUMN 2 Form	COLUMN 3 Place and Manner
1	All applicants	866 (Internet); or 866	Application must be lodged by: a) internet application; or b) post to the following address if paper form used:  Onshore Protection New South Wales Department of Home Affairs GPO Box 9984 SYDNEY NSW 2001



## Schedule 2 – Arrangements for Refugee and Humanitarian (Class XB) Visa

Item No.	COLUMN 1 Kind of Applicant	COLUMN 2 Form	COLUMN 3 Place and Manner
1	Applicants whose entry to Australia has been proposed in accordance with approved forms 681 or 1417 and who are outside Australia	842	<p>Application must be lodged by:</p> <p>(a) post, with the correct prepaid postage to:</p> <p style="padding-left: 40px;">Special Humanitarian Processing Centre Department of Home Affairs GPO Box 9984 SYDNEY NSW 2001; or</p> <p>(b) courier service delivery to:</p> <p style="padding-left: 40px;">Special Humanitarian Processing Centre Department of Home Affairs Level 3 26 Lee Street SYDNEY NSW 2001; or</p> <p>(c) email via the online lodgement portal at the following address:</p> <p style="padding-left: 40px;"><a href="https://www.homeaffairs.gov.au/humvisaapplication">https://www.homeaffairs.gov.au/humvisaapplication</a></p>
2	All other applicants	842	Application must be lodged at a diplomatic, consular, or migration office maintained by, or on behalf of the Commonwealth outside Australia.

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### Schedule 3 – Arrangements for Temporary Protection (Class XD) Visa

Item No.	COLUMN 1 Kind of Applicant	COLUMN 2 Form	COLUMN 3 Place and Manner
1	Applicants who do not hold and have never held a Temporary Protection (Class XD) visa or Safe Haven Enterprise (Class XE) visa	866 (internet); or 866	Application must be lodged by: (a) internet application; or (b) post to the following address if paper form is used:  Onshore Protection New South Wales Department of Home Affairs GPO Box 9984 SYDNEY NSW 2001
2	Applicants who hold or have held a Temporary Protection (Class XD) visa or Safe Haven Enterprise (Class XE) visa	1505 (internet); or 1505	

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## Schedule 4 – Arrangements for Safe Haven Enterprise (Class XE) Visa

Item No.	COLUMN 1 Kind of Applicant	COLUMN 2 Form	COLUMN 3 Place and Manner
1	Applicants who do not hold and have never held a Temporary Protection (Class XD) visa or Safe Haven Enterprise (Class XE) visa	866 (internet); or 866 with design date including and subsequent to 1 July 2017; or 790	Application must be lodged by: (a) internet application; or (b) post to the following address if paper form used:  Onshore Protection New South Wales Department of Home Affairs GPO Box 9984 SYDNEY NSW 2001
2	Applicants who hold or have held a Temporary Protection (Class XD) visa or Safe Haven Enterprise (Class XE) visa	1505 (Internet); or 1505	

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## **Schedule 5 – Repeals**

### **Part 1 – Repeals**

#### ***Migration (IMMI 17/051: Arrangements for Protection, Humanitarian and Refugee Visas) Instrument 2017 (F2017L00767)***

##### **1 The whole of the instrument**

Repeal the instrument.

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## **Part 2 – Application**

### **1 Application of Repeal**

Despite the repeal of the *Migration (IMMI 17/051: Arrangements for Protection, Humanitarian and Refugee Visas) Instrument 2017* (IMMI 17/051) by Part 1 of this Schedule, IMMI 17/051, as in force immediately before the commencement of this instrument, continues to apply in relation to an application for a Protection (Class XA) visa, a Refugee and Humanitarian (Class XB) visa, a Temporary Protection (Class XD) visa and a Safe Haven Enterprise (Class XE) visa, if that application is made before the commencement of this instrument and is not finally determined.