



Migration (LIN 20/102: Arrangements for Student (Temporary) (Class TU) visa applications) Instrument 2020

I, Michael Willard, Delegate of the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, make the following arrangement.

Dated 24 February 2020

Michael Willard
Senior Executive Service, Band Two,
Immigration and Community Protection Policy Division
Department of Home Affairs

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Part 1—Preliminary

1 Name

- (1) This instrument is the *Migration (LIN 20/102: Arrangements for Student (Temporary) (Class TU) visa applications) Instrument 2020*.
- (2) This instrument may be cited as LIN 20/102.

2 Commencement

This instrument commences on the day after it is registered on the Federal Register of Legislation.

3 Authority

This instrument is made under subregulation 2.07(5) of the *Migration Regulations 1994*.

4 Definitions

Note: A number of expressions used in this instrument are defined in subsection 5(1) of the Act, including the following:

- (a) *outside Australia*;
- (b) *in Australia*.

In this instrument:

Act means *Migration Act 1958*

authorising email means an email sent by an officer of the department, authorising an applicant to make an application in a different place or a different manner.

Class TU visa means Student (Temporary) (Class TU) visa.

Department means Department of Home Affairs.

PHEIC means Public Health Emergency of International Concern designated by the World Health Organisation.

reapplying applicant means an applicant:

- (a) whose Subclass 500 visa or Subclass 590 visa was cancelled under paragraph 116(1)(e) of the Act as a result of the risk, in relation to a relevant PHEIC, to the health, safety or good order the Australian community, or a segment of the Australian community; and
- (b) who is seeking to apply for a Subclass 500 visa or Subclass 590 visa .

Regulations means the *Migration Regulations 1994*.

relevant PHEIC means the PHEIC on the basis of which a subsequent applicant's Subclass 500 visa or Subclass 590 visa was cancelled.

5 Schedules

The instrument specified in Schedule 2 to this instrument is repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Part 2—Arrangements for the Class TU visa

6 Form and manner of making visa applications

- (1) This section:
 - (a) is made for the purposes of item 1222 of Schedule 1 to the Regulations; and
 - (b) applies to an application for a Class TU visa.:
- (2) The approved internet form is specified in Column 3 of the table in Schedule 1 for the applicants mentioned in Column 2 of the table for that item, who are making an application for the visas mentioned in Column 1 of the table for that item.

Different way of making visa applications

- (3) Subject to subsection (4) or subsection (5), a visa application may be made other than as an internet application if a departmental email is sent by an authorised officer of the department and that email (the *authorising email*):
 - (a) authorises the use of non-internet forms specified in Column 4 of the table in Schedule 1 for an applicant mentioned in Column 2 of the table for that item, who are making an application for the visa mentioned in Column 1 of the table for that item ; and
 - (b) includes the approved non-internet forms mentioned in paragraph (a).
- (4) Subject to subsection (5), if the visa application is made other than as an internet application:
 - (a) the applicant must submit the approved form according to the directions specified in the authorising email; and
 - (b) a copy of the authorising email must be attached to the application; and
 - (c) the application must be submitted before midnight (AEST or AESDT when applicable) on the day following the date on which the authorising email was sent by an officer of the Department; and
 - (d) if the applicant is outside Australia, the authorised application may also be made at a diplomatic, consular or migration office maintained by or on behalf of the Commonwealth outside Australia.
- (5) If the visa application is made by an applicant mentioned in item 4 of the table in Schedule 1:
 - (a) the applicant must submit the approved form according to the directions specified in the authorising email; and
 - (b) a copy of the authorising email must be attached to the application.

Schedule 1—Forms required for applications to be made for Class TU visas.

Approved Forms				
Item	Column 1 Subclass of visa	Column 2 Applicant	Column 3 Approved Internet Forms	Column 4 Approved Non - Internet Forms
1	Subclass 500 (Student)	An Applicant who: (a) at the time of application is under 18 years of Age; and (b) intends to reside with a parent, a person who has custody of the applicant, or a suitable relative	157A (internet) with 157N	157A with 157N
2	Subclass 500 (Student)	For applicants who do not meet the criteria in item 1	157A (internet)	157A
3	Subclass 590 (Student Guardian)	Any applicant	157G (internet) with 157N	157G with 157N
4	Subclass 500 (Student) and Subclass 590 (Student Guardian)	The applicant who: (a) is in Australia; and (b) is a reapplying applicant; and (c) makes an application for the Subclass 500 visa or the Subclass 590 visa no later than 3 months after the cancellation of the applicant's Subclass 500 visa or the Subclass 590 visa.	Not applicable	1543

Schedule 2—Repeal

Arrangements for Student Visa Applicants 2017/011

1 The whole of the instrument

According to section 33(3) of the *Acts Interpretation Act 1901*, the instrument is repealed.