

LIN 20/169

Migration (Arrangements for Protection, Refugee and Humanitarian Visas) Instrument (LIN 20/169) 2020

made under the *Migration Regulat*ions *1994*

Compilation no. 2

Compilation date 10 June 2022

This compilation was prepared by the Department of Home Affairs on 10 June 2022 taking into account amendments up to *Migration (Arrangements for Refugee and Humanitarian (Class XB) visas) Amendment Instrument (LIN 22/060) 2022*.

1 Name

(1) This instrument is the *Migration (Arrangements for Protection, Refugee and Humanitarian Visas) Instrument (LIN 20/169) 2020.*

(2) This instrument may be cited as LIN 20/169.

3 Authority

This instrument is made under the following provisions of the *Migration Regulations* *1994*:

(a) subregulation 2.07(5);

(b) items 1401, 1402, 1403 and 1404 of Schedule 1.

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:

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

***written notice*** means a notice in writing from the Department notifying a person they can make a visa application, including instructions about how to return the form to the Department.

5 Application

This instrument applies to visa applications made on or after the commencement of the instrument.

7 Protection (Class XA) visa

For the purposes of item 1401 of Schedule 1 to the Regulations, an application for a Protection (Class XA) visa:

(a) must be made using form 866 (Internet) as an Internet application; or

(b) if an application cannot be made in the manner specified in paragraph (a), the application may be made using a form 866 and posted with sufficient prepaid postage, to:

Protection Visas

Department of Home Affairs

GPO Box 9984

SYDNEY NSW 2001

8 Refugee and Humanitarian (Class XB) visa

For the purposes of item 1402 of Schedule 1 to the Regulations, an application for a Refugee and Humanitarian (Class XB) visa by a kind of applicant mentioned in column 1 of an item in the table must be made:

(a) using the form mentioned in column 2 for the item; and

(b) in one of the places and corresponding manners mentioned in column 3 for the item.

| Item  No | Column 1  Applicant | Column 2  Form | Column 3  Place and manner |
| --- | --- | --- | --- |
| 1 | Applicant whose entry to Australia has been proposed in accordance with form 681 or form 1417 | 1. 842 and 681; or 2. 842 and 1417 | Application must be:  (a) posted with sufficient prepaid postage, to:  Special Humanitarian Processing Centre  Department of Home Affairs  GPO Box 9984  SYDNEY NSW 2001; or  (c) made via the online portal at the following address: <https://www.homeaffairs.gov.au/humvisaapplication> |
| 2 | Applicant who is covered by subitem 1402(3B) of Schedule 1 to the Regulations and who has received written notice | 842 | Application must be made in accordance with the instructions in the written notice |
| 3 | Any other applicant | 842 | Application must be made at a diplomatic, consular or migration office maintained by or for the Commonwealth and located outside Australia |

9 Temporary Protection (Class XD) visa

For the purposes of item 1403 of Schedule 1 to the Regulations, an application for a Temporary Protection (Class XD) visa by a kind of applicant mentioned in column 1of an item in the table must be made:

(a) using the form mentioned in column 2 for the item; and

(b) in the place and manner mentioned in column 3 for the item.

| Item  No. | Column 1  Applicant | Column 2  Form | Column 3  Place and manner |
| --- | --- | --- | --- |
| 1 | Applicant who holds or has held a Temporary Protection (Class XD) visa or a Safe Haven Enterprise (Class XE) visa | 1505 (internet); or  form 1505 | Application:  (a) must be made as an Internet application; or  (b) if an application cannot be made in the manner specified in paragraph (a), it may be made using the relevant form and posted with sufficient prepaid postage, to:  Protection Visas  Department of Home Affairs  GPO Box 9984  SYDNEY NSW 2001 |
| 2 | Any other applicant | 866 (internet); or  form 866 |

10 Safe Haven Enterprise (Class XE) visa

For the purposes of item 1404 of Schedule 1 to the Regulations, an application for a Safe Haven Enterprise (Class XE) visa by a kind of applicant mentioned in column 1of an item in the table must be made:

(a) using the form mentioned in column 2 for the item; and

(b) in the place and manner mentioned in column 3 for the item.

|  |  |  |  |
| --- | --- | --- | --- |
| Item  No. | Column 1  Applicant | Column 2  Form | Column 3  Place and manner |
| 1 | Applicant who holds or has held a Temporary Protection (Class XD) visa or a Safe Haven Enterprise (Class XE) visa | 1505 (internet); or  form 1505 | Application:  (a) must be made as an Internet application; or  (b) if an application cannot be made in the manner specified in paragraph (a), it may be made using the relevant form and posted with sufficient prepaid postage, to:  Protection Visas  Department of Home Affairs  GPO Box 9984  SYDNEY NSW 2001 |
| 2 | Any other applicant | 866 (internet); or  form 866 |

Notes

This compilation comprises *Migration (Arrangements for Protection, Refugee and Humanitarian Visas) Instrument (LIN 20/169) 2020* amended as indicated in the following tables.

Table of instruments

| Name | Registration | Number | Commencement | Application, saving or transitional provisions |
| --- | --- | --- | --- | --- |
| *Migration (Arrangements for Protection, Refugee and Humanitarian Visas) Instrument (LIN 20/169) 2020* | 12 November 2020 | F2020L01420 | 13 November 2020 | section 5 |
| *Migration (Arrangements for Protection, Refugee and Humanitarian visas) Amendment Instrument (LIN 21/079) 2021* | 16 November 2021 | F2021L01562 | 17 November 2021 | - |
| *Migration (Arrangements for Refugee and Humanitarian (Class XB) visas) Amendment Instrument (LIN 22/060) 2022* | 8 June 2022 | F2022L00750 | 10 June 2022 | - |

Table of amendments

|  |  |
| --- | --- |
| ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted | |
| Provision affected | How affected |
| section 2 | rep. *Legislation Act 2003*, s 48D |
| section 4 | am. LIN 21/079 |
| section 6 | rep. *Legislation Act 2003*, s 48C |
| section 7 | am. F2021L01562 |
| section 8 | am. F2021L01562  am. F2022L00750 |
| section 9 | am. F2021L01562 |
| section 10 | am. F2021L01562 |