

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

I, Sally Pfeiffer, as delegate of the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, make the following instrument.

Dated: 11 November 2020

Sally Pfeiffer

Senior Executive Service Band One

Refugee, Humanitarian and Settlement Division

Department of Home Affairs

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Part 1—Preliminary

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.

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 the following provisions of the *Migration Regulat*ions *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*.

5 Application

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

6 Repeal

This instrument repeals *Migration (LIN 18/029: Arrangements for Protection, Refugee and Humanitarian Visas) Instrument 2018 (F2019C00149)*, in accordance with subsection 33(3) of the *Acts Interpretation Act 1901.*

Part 2—Arrangements for protection, refugee and humanitarian visas

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 paper form 866 and posted with correct pre-paid postage amount, 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:

1. using the form mentioned in column 2 for the item; and
2. in one of the places and corresponding manners mentioned in column 3 for the item.

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| **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 approved forms 681 or 1417 | Paper form 842 | Application must be:   1. posted with correct pre-paid postage amount, to:   Special Humanitarian Processing Centre  Department of Home Affairs  GPO Box 9984  SYDNEY NSW 2001; or   1. delivered by courier service to:   Special Humanitarian Processing Centre  Department of Home Affairs  Level 3, 26 Lee Street  SYDNEY NSW 2001; or   1. made via the online portal at the following address: <https://www.homeaffairs.gov.au/humvisaapplication> |
| 2 | Any other applicant | Paper form 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:

1. using the form mentioned in column 2 for the item; and
2. in the place and manner mentioned in column 3 for the item.

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| **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 paper form 1505 | Application:   1. must be made as an Internet application; or 2. if an application cannot be made in the manner specified in paragraph (a), it may be made using the relevant paper form and posted with correct pre-paid postage amount, to:   Protection Visas  Department of Home Affairs  GPO Box 9984  SYDNEY NSW 2001 |
| 2 | Any other applicant | 866 (internet); or paper 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:

1. using the form mentioned in column 2 for the item; and
2. in the place and manner mentioned in column 3 for the item.

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| --- | --- | --- | --- |
| **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 paper form 1505 | Application:   1. must be made as an Internet application; or 2. if an application cannot be made in the manner specified in paragraph (a), it may be made using the relevant paper form and posted with correct pre-paid postage amount, to:   Protection Visas  Department of Home Affairs  GPO Box 9984  SYDNEY NSW 2001 |
| 2 | Any other applicant | 866 (internet); or paper form 866 |