



Migration Amendment (Visa Application Charge Refund) Regulations 2024

I, the Honourable Sam Mostyn AC, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 15 August 2024

Sam Mostyn AC
Governor-General

By Her Excellency's Command

Tony Burke
Minister for Immigration and Multicultural Affairs

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1 Name

This instrument is the *Migration Amendment (Visa Application Charge Refund) Regulations 2024*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	20 August 2024

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Migration Act 1958*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Migration Regulations 1994

1 At the end of regulation 2.12F

Add:

(9) If:

- (a) an amount (the *partial amount*) has been refunded under regulation 2.12FA in relation to an application for a visa; and
- (b) the Minister must or may, under this regulation, refund an amount paid in relation to the application;

then, despite anything in this regulation, the amount to be refunded under this regulation is to be reduced by an amount equal to the partial amount.

2 After regulation 2.12F

Insert:

2.12FA Partial refund of first instalment of visa application charge to certain applicants

Refund on request

(1) If:

- (a) an amount (the *paid amount*) has been paid by way of the first instalment of the visa application charge in relation to an application made on or after 1 July 2024 for a Student (Temporary) (Class TU) visa; and
- (b) one of the following applies:
 - (i) the application was made by a person (the *primary applicant*) seeking to meet the primary criteria for the grant of the visa;
 - (ii) the application was combined, in a way permitted by Schedule 1, with the application made by the primary applicant (whether the primary applicant's application was made before, on or after 1 July 2024);
 - (iii) the application was made by a person who is a member of the family unit of another person (the *primary visa holder*) who holds a Student (Temporary) (Class TU) visa, having satisfied the primary criteria for that visa; and
- (c) the paid amount is more than the amount (the *old amount*) of the first instalment of the visa application charge that would have been payable in relation to the application if the application had been made on 30 June 2024; and
- (d) the Minister receives a written request from a person mentioned in subregulation (2) for a refund of the difference between the paid amount and the old amount; and
- (e) the Minister is satisfied that, at the time of the request, the primary applicant or the primary visa holder (as the case may be) held a valid passport issued by a specified country; and
- (f) no amount has been refunded under regulation 2.12F in relation to the application;

then the Minister must refund an amount equal to the difference between the paid amount and the old amount.

- (2) For the purposes of paragraph (1)(d), the written request must be from:
- (a) the person who paid the amount (the *payer*); or
 - (b) if the payer has a serious physical or mental incapacity—the payer’s legal personal representative; or
 - (c) if the payer is a bankrupt within the meaning of the *Bankruptcy Act 1966*—the trustee of the estate of the payer.

Note: See regulation 2.12K in relation to who is the person who pays an amount by way of an instalment of visa application charge.

Making of refunds

- (3) The Minister must not make a refund to the legal personal representative of a payer who has died unless the Minister has been given satisfactory evidence of the payer’s death.
- (4) A refund under this regulation must be:
- (a) paid to the person who made the request for the refund; or
 - (b) provided to a person mentioned in paragraph (a) for payment to the applicant’s deceased estate.
- (5) If:
- (a) in the opinion of the Minister, there is no doubt about the identity of the payer; and
 - (b) the Minister pays the amount of the refund to:
 - (i) the payer; or
 - (ii) a person mentioned in paragraph (2)(b) or (c);
- a receipt that is given by the person to whom the refund is paid is, for all purposes, a valid discharge of any liability of the Commonwealth in relation to the payment of the amount of the refund.
- (6) A refund under this regulation may be paid:
- (a) in Australian currency; or
 - (b) if the amount of the instalment in respect of which the refund is being paid was paid in another currency—in that other currency.

Definition

- (7) In this regulation:

specified country means the following:

- (a) Federated States of Micronesia;
- (b) Fiji;
- (c) Kiribati;
- (d) Nauru;
- (e) Palau;
- (f) Papua New Guinea;
- (g) Republic of the Marshall Islands;
- (h) Samoa;
- (i) Solomon Islands;

- (j) Timor-Leste;
- (k) Tonga;
- (l) Tuvalu;
- (m) Vanuatu.

3 Regulations 2.12K and 2.12L

After “2.12F”, insert “, 2.12FA”.