

GenGuideH - Visitor visas - Visa application and related procedures

About this instruction

Contents

This departmental instruction, which relates to the visitor visa program and, primarily, the [FA-600](#) (Visitor) visa, comprises 12 parts:

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Related instructions

- [PAM3: GenGuideA – All visas – Visa application procedures.](#)
- [PAM3: Div2.2B - Priority consideration of certain visa applications on request.](#)

Latest changes

Legislative

Nil.

Policy

This instruction, which is part of the centralised departmental instructions system (CDIS), was reissued on 10 September 2016 to revise policy on the meaning of 'settled'.

Owner

Visitor and Working Holiday Visa Management Section.

email

[Visitor Policy.](#)

Document ID

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Introduction

Purpose of this instruction

This policy instruction provides general guidance on Australia's visitor visa program and application processing common to various visitor visa streams. It also provides specific guidance on the [FA-600](#) Visitor:

- Tourist stream - including the Preferred Aussie Specialist Program
- Sponsored Family stream
- Business Visitor stream
- Approved Destination Status (ADS) stream and
- e600 electronic Visitor visa product

This instruction does **not**, however, cover the following four aspects of visitor policy:

- Oral applications: There is currently no policy or procedural guidance on oral visitor visa applications as provided for by Schedule 1 and regulation [2.09](#). Refer to [PAM3: GenGuideA - All visas - Visa application procedures - Oral applications](#).
- The Electronic Travel Authority (ETA): For policy and procedure on ETAs ([UD-601](#)), first refer instead to [PAM3: Sch2Visa601 - Electronic travel authorities \(ETAs\)](#). Where appropriate, that instruction cross-refers to this GenGuide for policy.
- eVisitor: For policy and procedure on eVisitor ([TV-651](#)), first refer instead to [PAM3: Sch2Visa651 - eVisitor](#). Where appropriate, that instruction cross-refers to this GenGuide for policy.
- Medical Treatment visas: For policy and procedure on the Medical Treatment visa ([UB-602](#)), refer to [PAM3: Sch2Visa602 - Medical Treatment](#).

Structure of this instruction

[Australia's visitor visa program - an overview](#) provides an overview of Australia's visitor visa program.

[Applying for a visitor visa](#) provides an overview of Schedule 1 criteria for [FA-600](#)- visa applications and how a valid visitor visa application is made.

[Visitor visas - Common criteria](#) outlines those Schedule 2 criteria that are common to [FA-600](#) visitor visa categories - both visitor visa-specific criteria and generic visa criteria.

Four separate parts then discuss the specific requirements for the four [FA-600](#) streams discussed in this instruction:

- [Tourist stream](#)
- [Business Visitor stream](#)
- [Sponsored Family stream](#)
- [Approved Destination Status stream](#).

Additional parts provide advice about:

- [Complex visitor visa cases](#)
- [The Preferred Aussie Specialist](#)
- [Visitor visa conditions](#)
- [Granting visitor visas](#)
- [Visitor visa cancellation](#)
- [Visitor visas and merits review](#)
- [Processing of electronic visitor visa applications](#).

Australia's visitor visa program - an overview

The objectives and principles of the visitor program

Objectives

The objectives of the visitor visa program are to:

- facilitate the entry of genuine tourist, business and family visitors
- support the integrity of Australia's migration programs and
- contribute to Australia's economic development and social and cultural enrichment.

Principles

The principles governing the entry of visitors (and reflected in Schedule 2 provisions) are that visitors to Australia must:

- genuinely intend only to visit Australia temporarily
- not work unlawfully
- not engage in studies or training for more than 3 months - for policy and procedure, refer to [Condition 8201 - 3 month limit on studying or training](#)
- have, or have access to, adequate means to support themselves during the period of the visit so that they do not need to access Australia's social welfare system and
- leave Australia on or before the date their visa ceases, unless they make a valid application to stay for a longer period to the benefit of Australia (for example, apply for a Student or [457](#) visa in a highly skilled occupation).

Visitors to Australia must not remain in Australia on an ongoing basis on visitor visas. This is particularly the case if there is a more appropriate visa option available. In addition visitors to Australia must not use temporary stay arrangements to circumvent migration laws.

However, officers should take a fair and reasonable approach within the framework provided by the legislation if a person's circumstances have changed in Australia, other visa options are unavailable and compelling and compassionate circumstances exist.

Officers should discuss/email complex cases to [Visitor Policy](#).

Facilitation

The objective is that where possible, visitor visa applications should be processed promptly and decided with the least delay. The visitor visa process is streamlined wherever possible via the use of online lodgment and other web-based facilities. The use of Safeguards to draw the attention of [s65](#) delegates to risk within the caseload also helps target visa assessment and to streamline the assessment when an application does not trigger a risk profile.

It is important that [s65](#) delegates balance the need to make a decision in a short timeframe against the need to identify those applicants who, if granted a visa, are likely to bypass established migration channels or otherwise not abide by the conditions of their visa – refer to [The genuine temporary stay requirement](#).

Visitor visa streams

The four FA-600 streams

The [FA-600](#) visa – the Visitor visa - comprises four streams:

- [Tourist stream](#)
- [Sponsored Family stream](#)
- [Business Visitor stream](#)
- [Approved Destination Status stream](#).

As per regulation [2.03](#), an applicant can apply for and be assessed against only one stream within the [FA-600](#) visa – for more information refer to PAM3: Div2.1/reg2.03 - Criteria applicable to classes of visas. Persons

are therefore required to apply for the stream of the [FA-600](#) Visitor visa that is appropriate to the purpose of their visit to Australia, as described further in this section in:

- [Tourist](#)
- [Sponsored Family](#)
- [Business Visitor](#)
- [Approved Destination Status \(ADS\)](#).

The Regulations set out both criteria common to all four streams and criteria specific to individual streams.

Section [65](#) delegates are required to assess each application against the criteria common to all four streams as well as the criteria specific to the stream that the person has applied for.

If a person mistakenly applies for the incorrect stream it is not possible for them to transfer to another stream; a fresh application in the correct stream would need to be made and the appropriate VAC paid.

If an applicant's intended activity falls across both the Tourist and the Business Visitor streams, [s65](#) delegates should adopt a flexible approach and not simply refuse the visa because the major part of the intended activity is not within the stream applied for. This policy position recognises that not all activities that can be lawfully undertaken on a visitor visa always fit neatly into one stream.

Tourist

The Tourist stream ([600.22](#)) is for persons intending to visit Australia for the purpose of tourism or other recreational activities such as:

- holidays or sightseeing
- social or recreational reasons
- visiting relatives or friends
- studying for less than three months
- other short-term, non-work purposes.

Clauses [600.224](#) and [600.225](#) allow [s65](#) delegates to require a Tourist stream applicant to be sponsored.

Sponsored Family

The Sponsored Family stream ([600.23](#)) is for persons intending to visit Australia for the purpose of tourism or other recreational activities such as:

- holidays or sightseeing
- social or recreational reasons
- visiting relatives or friends
- studying for less than three months or
- other short-term, non-work purposes.

All applicants **must** be sponsored – refer to [Sponsored Family stream](#).

Business Visitor

The Business Visitor stream ([600.24](#)) allows business people to make a short business visit to Australia to engage in business visitor activities. The term [business visitor activity](#) is defined in regulation 1.03 to include:

- making general business or employment enquiries
- investigating, negotiating, entering into or reviewing a business contract
- activities relating to official government to government visits and
- participation in a conference, trade fair or seminar unless there is payment for participation.

By way of example, an executive board member may attend a meeting on a business visitor visa provided they do not undertake work duties on behalf of an Australian business.

This stream excludes the visa holder:

- from working for or supplying services to an organisation or person in Australia
- from supplying services or direct selling goods to the public (retail) or
- from entering the Australian labour market or the retail trade.

For policy interpretation and procedure on business visitor activity, refer to [PAM3: Div1.2 - reg1.03 - Business visitor activity](#).

Approved Destination Status (ADS)

The ADS stream ([600.25](#)) is for persons intending to visit Australia for the purpose of sightseeing and related activities only. Visas in this stream are only granted to nationals of the PRC but not Hong Kong and Macau.

Applying for a visitor visa

Schedule 1 item 1236 and related requirements

About item 1236

Regulations Schedule 1 item [1236](#) outlines most of the requirements for making an application for an [FA-600](#) visa to be valid. The other requirements are set out in [s46](#) to [s46B](#) of the Act.

Immediately following is a table summary of the main Schedule 1 requirements for each stream.

Item 1236 - table summary

This table does not have alternate text and its reading order is not defined.

Stream	Location of applicant	Form	Where application is to be made	Combined application allowed?
Tourist	In Australia (including, for non-oral applications, in immigration clearance), or outside Australia (oral applications excluded): refer to 1236(3) table item 2	Refer to the 1236(1) legislative instrument.	Refer to the 1236(3) table item 1 legislative instrument.	No. There is no provision in item 1236 for combined applications.
Sponsored Family	Outside Australia: refer to 1236(4) table item 2	Refer to the item 1236(1) legislative instrument and to Sponsored Family stream – Sponsorship	Refer to the 1236(4) table item 1 legislative instrument.	No. There is no provision in item 1236 for

Stream	Location of applicant	Form	Where application is to be made	Combined application allowed?
		<u>related valid application requirement.</u>		combined applications.
Business Visitor	Outside Australia: refer to 1236(5) table item 2	refer to the item 1236(1) legislative instrument	Refer to the 1236(5) item 1 legislative instrument.	No. There is no provision in item 1236 for combined applications.
ADS	PRC: refer to 1236(6) table item 2	Refer to the item 1236(1) legislative instrument.	Refer to the 1236(6) table item (4) legislative instrument.	No. There is no provision in item 1236 for combined applications.

Eligibility for e600

Tourist stream e600

Persons outside Australia may apply for a Tourist stream visa via the internet if they are in a class of persons (namely, holder of passports issued by specified countries) specified for Tourist stream purposes in the legislative instrument made under Schedule 1 item [1236\(1\)](#). The instrument separately lists classes of person (currently, only Indian nationals) who can obtain an e600 only through a Preferred Aussie Specialist agency approved by the department for e600 access – refer to [The Preferred Aussie Specialist \(PAS\) program](#).

A valid Tourist stream visa by a person in Australia can be made via the internet if the applicant is in a class of persons specified for Tourist stream purposes in the legislative instrument made under item [1236\(1\)\(a\)](#).

Sponsored Family stream e600

Persons outside Australia may apply for a Sponsored Family stream visa via the internet if they are in a class of persons (namely, holder of passports issued by specified countries) specified for Sponsored Family Business Visitor purposes in the legislative instrument made under item [1236\(1\)](#).

Business Visitor stream e600

Persons outside Australia may apply for a Business Visitor stream visa via the internet if they are in a class of persons (namely, holder of passports issued by specified countries) specified for Business Visitor purposes in the legislative instrument made under item [1236\(1\)](#).

Sponsored Family stream – Sponsorship-related valid application requirement

The legislative instrument made under item [1236\(4\)](#) table item 1 enables Sponsored Family stream visa applications to be made by paper or via the internet.

Paper applications may be lodged by either the visa applicant or the sponsor, but the application must be lodged at a location specified in the legislative instrument made under item [1236\(4\)](#) table item 1 **and** details of the

sponsor must be included in the completed application form. In accordance with the instrument, for the visa application to be valid it must also be accompanied by a completed sponsorship form (form 1149). An application will not be valid if either the form 1149 is not submitted or the details of the sponsor are not included in the visa application form.

For an Internet application to be valid, the **details** of the sponsor must be included in the completed visa application form, but nothing in item [1236](#) or associated instruments requires the sponsorship form to be submitted with the visa application. Visa applicants are strongly encouraged to include a scanned copy of the completed sponsorship form with their application. If the (scanned) sponsorship is not included with the Internet application, the processing officer will need to request it separately for Schedule 2 (not Schedule 1) purposes.

The FA-600 visa application charge

Item 1236(2)

Schedule 1 item [1236\(2\)](#) prescribes the visa application charge (VAC) for the [FA-600](#) visas. The amount varies depending on a range of factors, including whether the application was made in or outside Australia.

For policy and procedure on visa application charges and payment, refer to:

- [PAM3: Div2.2A - Visa application charge.](#)
- (on Bordernet) the department's [financial management guidelines](#).

VAC exemptions

“VAC free” applications

As follows, the [FA-600](#) visa provides in certain circumstances for the VAC to be ‘nil’ or to be refunded (these are often called “VAC free” applications) – refer to:

- [Foreign government representatives](#)
- [Persons accompanying guests of Government](#)
- [APEC Business Travel Card](#)
- [Emergency situations and special events](#)
- [VAC refund](#).

Foreign government representatives

All streams in the [FA-600](#) visa provide for a ‘nil’ VAC for applicants applying for a visa in the course of ‘acting as a representative of a foreign government’. In effect the nil VAC is only likely to apply to applicants in the Tourist and Business streams as it is unlikely that representatives of foreign governments would have reason to make applications in the ADS or Sponsored Family streams.

In most cases, such persons will identify themselves at time of application by presenting a diplomatic, or official, passport. However, the ‘nil’ VAC applies equally to applicants presenting other types of travel document provided officers are satisfied as to the applicant’s representative status.

Under policy, officers should interpret ‘in the course of acting as a representative of a foreign government’ broadly - for example, a foreign diplomat posted in New Zealand who wishes to come to Australia for a holiday during their posting should not be charged a VAC:

- This is essentially a courtesy that takes into account the remoteness and travel limitations inherent to the Pacific region.
- It should **not** be taken to mean that every diplomatic/official passport holder travelling to Australia for a holiday should be given a VAC waiver. Waiving the VAC is at the discretion of the post in response to local circumstances/sensitivities.

Diplomats may also use visitor visas for short trips to Australia in the course of their duties, given that the [TF-995](#) Diplomatic visa is intended for diplomats posted in Australia to represent their home country - refer

to [PAM3: Sch2Visa995 - Diplomatic](#). If there are particular concerns regarding the purpose of a diplomat's visit, email [Visitor Policy](#).

Persons accompanying guests of Government

Only official guests of the Australian government (refer to the regulation 1.03 definition of [guest of Government](#)) and the guest's accompanying immediate family members are taken to hold a special purpose visa (SPV) upon arrival on Australia.

Accompanying members of the personal or official staff of the guest, or accompanying media representatives, are not entitled to an SPV. These persons will need to apply for a visa overseas and will be immigration cleared on arrival as visa holders:

- those who hold an [ETA-eligible passport](#) should apply for an ETA ([UD-601](#))
- those who hold an [eVisitor eligible passport](#) should apply for an eVisitor ([TV-651](#))
- all others should be advised to apply for the appropriate [FA-600](#) stream. Under policy, persons accompanying a guest of government are considered eligible for a "VAC- free" visa in accordance with Schedule 1 item [1236\(2\)\(a\)](#) table item 3 because, under policy, they are considered to be travelling to Australia as 'representatives' of a foreign government.

APEC Business Travel Card

Briefly, persons holding a current APEC Business Travel Card (ABTC) are already able to enter Australia as a visitor.

If an ABTC holder applies for an [FA-600](#) visa they should be advised that any grant of that visa will cause their ABTC to cease. This information is included in the paper application forms for all visitor visas in all primary languages used in APEC economies.

For policy and procedure on the ABTC (regulation [2.07AA](#)):

- refer to [PAM3: Div2.2/reg2.07AA - Applications for certain visitor visas - The APEC Business Travel Card Scheme](#) or
- email [APEC](#).

Emergency situations and special events

To cater for emergency situations and special events, Schedule 1 item [1236\(2\)\(a\)\(iv\)](#) provides for a 'nil' VAC for classes of persons specified by legislative instrument.

This [instruction's owner](#) will alert staff if a legislative instrument is made under these provisions in relation to an emergency situation or special event.

VAC refund

[FA-600](#) Tourist stream visa holders who apply in Australia for permission to work are entitled to a VAC refund under regulation [2.12F\(2\)\(d\)](#) if their request is approved and an [FA-600](#) visa in the Tourist stream with work rights is granted – refer to [Applying in Australia for permission to work](#).

In relation to other circumstances in which a visitor visa applicant is eligible for a VAC refund, refer to:

- regulation [2.12F](#) and
- [PAM3: Div2.2A – Visa application charge](#) - Refunds - General considerations.

Visitor visas - Common criteria

About FA-600 common criteria

Schedule 2 Part [600](#) contains common criteria that must be satisfied by all [FA-600](#) applicants:

- [The genuine temporary stay requirement](#)
- [Adequate means of support](#)
- [Public interest criteria](#)
- [Special return criteria](#)

and, if applicable:

- [If total stay will exceed 12 months.](#)

Note: Although this part discusses common criteria in terms of [FA-600](#), if and as applicable the same criteria are Schedule 2 criteria for the [UD-601](#) ETA and the [TV-651](#) eVisitor, and the policy discussed in this part applies also to those visas.

The genuine temporary stay requirement

Genuine temporary stay

As per regulation [600.211](#) and the overarching visitor visa principles outlined in [Principles](#), it is a criterion for all [FA-600](#) streams that the applicant 'genuinely intend' to stay temporarily in Australia for the purpose for which the visa is granted.

Officers must consider three matters:

- whether the applicant has complied substantially with the conditions to which the last substantive visa, or any subsequent bridging visa, held by the applicant was subject – refer to [Previous visa compliance](#)
- whether the applicant intends to comply with the conditions to which the [FA-600](#) visa would be subject – refer to [Intention to comply](#)
- any other relevant matter – refer to [The 'any other matter' factor](#).

Assessing the genuine temporary stay requirement

Previous visa compliance

In establishing whether [600.211\(a\)](#) is satisfied, relevant considerations about the applicant's visa compliance history may include, but are not limited to:

- has the applicant previously travelled to Australia

and if so,

- did they comply with the conditions of their last visa (or if not, were the circumstances beyond their control) and
- did the applicant leave before their visa ceased.

Intention to comply

In establishing whether [600.211\(b\)](#) is satisfied, relevant considerations about the applicant's intention to comply with conditions of the [FA-600](#) visa may include, but are not limited to:

- is there any evidence to suggest that the applicant may work during their stay (contrary to conditions [8101](#) and [8115](#))
- if the applicant has requested a long stay period, what will they do during that time and how will they support themselves without working in Australia and

- is there any evidence to suggest that the applicant intends to study more than three months (contrary to [8201](#)).

(Note: [About FA-600 visa conditions](#) outlines the conditions for each stream of the [FA-600](#) visa.)

The ‘any other matter’ factor

Some relevant considerations

In establishing whether [600.211\(c\)](#) is satisfied, relevant considerations of any other matter may include, but are not limited to:

- [Personal circumstances](#)
- [Credibility](#)
- [Purpose and period of stay](#)
- [Previous immigration/travel history](#)
- [Intel reports and profile](#).

Personal circumstances

Namely:

- the personal circumstances of the applicant that would encourage them to return to their home country (country of usual residence) at the end of the proposed visit, such as:
 - ongoing employment
 - the presence of close family members in their home country – that is, does the applicant have more close family members living in their home country than in Australia
 - property, or other significant assets, owned in their home country and
 - whether the applicant is currently residing in a country whose nationals represent a low risk of immigration non-compliance, even if the applicant is originally from a country whose nationals represent a statistically higher risk of non-compliance

and

- the personal circumstances of the applicant in their home country or general conditions in the home country that might encourage them to remain in Australia, such as:
 - economic circumstances – including unemployment or employment that, based on knowledge of local employment conditions (such as salary rates) would not constitute a strong incentive for the applicant to leave Australia
 - economic disruption, including shortages, famine, or high levels of unemployment, or natural disasters in the applicant’s home country.
 - the applicant’s personal ties to Australia, that is:
 - does the applicant have more close family members living in Australia than in their home country
 - is the applicant subject of adoption proceedings that have not been resolved in their home country
 - military service commitments
 - civil disruption, including war, lawlessness or political upheaval in the applicant’s home country.

Note: If refusing a visitor visa in relation to the genuine temporary stay criterion, [s65](#) delegates must take care not to confuse the applicant’s financial circumstances as an incentive to return and the applicant’s access to ‘adequate means of support’. **They are separate factors and so must be considered separately.**

Credibility

The applicant’s credibility in terms of character and conduct (for example, false and misleading information provided with visa application).

Purpose and period of stay

Whether the purpose and proposed duration of the applicant's visit and their proposed activities in Australia are reasonable and consistent (for example, is the period of stay consistent with "tourism").

Previous immigration/travel history

Previous immigration and travel history, such as:

- previous visa applications for Australia
- previous overseas travel, that is, has the applicant travelled to countries other than Australia.

In assessing this factor, officers may give weight to applicants who had travelled to and complied with the immigration laws of a country(ies) that has significant incentives for the applicant to remain in that country(ies), either for economic or personal reasons. However, officers may have to use judicious discretion if there is a lack of travel history.

Intel reports and profiles

Information in statistical, intelligence and analysis reports on migration fraud and immigration compliance compiled by the department about nationals from the applicant's home country. (Note: Even though they are still mentioned on various visitor visa application forms, Modified Non Return Rate (MNRR) statistics should **not** be used because no quarterly MNRR report has been published on the department's website since June 2013.)

Officers may request further evidence from the applicant, if considered appropriate, if departmental statistical or intelligence reports on migration fraud, or profiles based on such reports, indicate that there is a significantly greater likelihood of nationals from the applicant's home country:

- staying in Australia beyond the stay period of their visa or
- having their visa cancelled or
- being refused entry to Australia or
- making asylum claims or applying for a protection visa.

Note: The mere fact that an applicant matches the characteristics of a profile is not grounds to refuse to grant a visa. Profiles are merely an alert that closer scrutiny of the applicant's circumstances might be required. All applications must be considered on their own merits taking into account all the information and supporting documentation provided by the applicant.

Privacy considerations

Care should be taken not to breach any previous applicant's privacy (for example, the inviter), especially in any decision record that may be provided to the applicant. If a family member or the inviter has an adverse immigration history, s65 delegates can refer to information which the applicant has provided with the application or information which would be reasonably known by the applicant. Section 65 delegates should not refer to the making of protection visa applications by other parties. As with any safeguard or integrity information, this information can be taken into account to determine the level of scrutiny to apply to the applicant's claims.

Requesting further information

If consideration of the [600.211](#) criteria raises doubts about the applicant's ability to meet the genuine temporary stay requirement, such as where the applicant's circumstances may suggest the need for greater scrutiny, officers may consider or request additional evidence that demonstrates that the applicant intends a genuine temporary stay.

- Additional evidence that officers may wish to consider in deciding whether an applicant intends a genuine temporary stay includes the following:

- Evidence that the applicant has been employed for at least the previous 12 months, has approved leave for the period of stay sought and will continue to be employed on their return home or
- If self-employed, evidence they have owned their own business for the previous 12 months.
- If retired/non-working have other financial commitments and/or family/social ties that would provide sufficient inducement for them to return to their home country at the end of their visit.
- good immigration history.

Support/guarantees by Australian connections

Generally, offers of support or guarantees given by family and friends in Australia are not sufficient evidence of a genuine temporary stay. The onus is on the applicant to satisfy the s65 delegate that the applicant intends only to stay temporarily in Australia. Guarantees from connections in Australia can, however, be critical in assessing whether an applicant has access to adequate means of support. Refer to [Adequate means of support](#).

Intention to make a further application in Australia

If an applicant applies for a visitor visa but intends to make a further visa application in Australia (whether this intention is stated or not), this does not necessarily indicate that the applicant does not intend a genuine temporary stay and is not a reason in and of itself to refuse the visitor visa. If the Regulations allow an application to be made in Australia by an FA-600 visa holder in Australia, s65 delegates should not be seeking to block this pathway.

In addition, an intention to apply for a further visa in Australia does not necessarily indicate that the person will not leave Australia before the FA-600 visa ceases. The question to consider is not “will this person apply for a visa in Australia” but rather, “if this person does not apply for another visa in Australia, or if they apply and are refused, will they abide by the conditions of the visa and will they leave Australia”. The answer to this will help to determine if the applicant intends a genuine temporary stay.

If there is a stated intention to apply in Australia for a visa (such as a Partner visa), s65 delegates should focus on assessing if the applicant intends a genuine temporary stay in relation to the FA-600 visa for which the person have applied – the focus is not on assessing any relationship:

- The genuineness of a relationship will be assessed if and when a Partner application is made. Applying for a Partner visa in Australia is a legitimate visa pathway.
- It is acceptable for a person to apply for an FA-600 visa in order to be with their partner to maintain an established relationship.
- An applicant who discloses an intention to continue a relationship (or, enter into a relationship (as they have not met before)) should not be disadvantaged as a result of that disclosure

Taking a fair and reasonable approach

Officers should take a fair and reasonable approach to the genuine temporary stay requirement, particularly if the applicant is in a continuing partner relationship with an Australian citizen or permanent resident and/or there are children involved – refer to [In a partner relationship with an Australian citizen/resident](#).

The focus should be on the current intentions of the applicant. Consequently, the genuine temporary stay requirement can be satisfied, even if there is a possibility that the applicant might later attempt to make a further application in Australia, seek permanent residence and/or return to Australia.

If the period of stay requested raises concerns about an applicant’s ability to meet the genuine temporary stay requirement, case officers should consider whether a shorter period of stay would enable them to be satisfied that the visa criteria are met.

De facto residence

In deciding whether a visitor visa applicant intends a genuine temporary stay, s65 delegates should consider whether the applicant is attempting to circumvent proper migration channels and use the visitor visa program to maintain ongoing residence in Australia.

Under [600.215](#), an applicant cannot, except in exceptional circumstances, stay in Australia for more than 12 months on consecutive visitor visas, Working Holiday or Work and Holiday visas or bridging visas – refer to [If total stay will exceed 12 months](#).

The likelihood of an applicant using a visitor visa to, in effect, live in Australia rather than visit is also a relevant consideration in deciding whether to grant a multiple entry visa with a longer travel period. The focus, however, should be on the applicant's **current** intentions. [The genuine temporary stay requirement](#) can be satisfied provided the [s65](#) delegate is satisfied even if there is a possibility that the applicant might later attempt to lodge a further application in Australia, seek permanent residence and/or return to Australia.

If there are concerns as to how often an applicant has visited Australia or the length of each stay in Australia, in assessing whether the applicant still meets the genuine temporary stay requirement, [s65](#) delegate should consider the following seven factors:

- Whether the person has a history of compliant travel.
- The length of each visit the person has made to Australia.
- The length of time spent outside Australia in between visits. Typically, a visitor would be expected to spend at least as much time out of Australia as in Australia. Longer stays of up to 12 months in any 18 month period may be accepted for parents – refer to [Parents of Australian residents](#). Note: This is a guide only. A decision cannot be based on a mathematical formula. There is no prescribed time a person must be outside Australia between visits, each case must be assessed on its merits.
- The person's ability to support themselves without working while in Australia.
- The reasons for their travel and stay at this time (for example, an applicant with young grandchildren may wish to stay for 12 months following the birth and then visit regularly staying for 3 or 6 months for the first 3 years).
- Whether there are any other more suitable visa options for the person.
- Whether a person is maintaining ties to their home country such as a primary place of residence.

Under policy, self-supporting retirees should generally not be considered to be maintaining or seeking to establish residence in Australia if they:

- travel to Australia for 3-6 months each year to visit family or for tourism purposes but
- maintain a residence outside Australia and do not currently intend to migrate to Australia.

This may include parents of Australian citizens or permanent residents including those who have made a Parent visa application. There are special arrangements for parents of Australians – refer to [Parents of Australian residents](#).

Section [65](#) delegates should, however, consider carefully persons still in the workforce who wish to stay in Australia for repeated extended periods as it is unlikely these persons would be able to support themselves in Australia without working (that is, without breaching condition [8101](#) or [8115](#)).

Persons (generally those visiting family) who, in special circumstances, are granted repeated or longer stay/travel visas should be counselled about de facto residence issues.

Complex genuine temporary stay issues

For guidance on assessing complex cases, refer to the studies outlined in Complex visitor visa cases. For further advice, email [Visitor Policy](#).

Adequate means of support

As a Schedule 2 criterion

Under [600.212](#), all [FA-600](#) applicants must have adequate means to support themselves, or access to adequate means to support themselves, during the period of the applicant's intended stay in Australia.

Assessing

When assessing whether a visa applicant has adequate means of support, officers should take into account what activities they plan to undertake while in Australia and their accommodation/living arrangements while in Australia. A person coming to Australia to visit family and being provided with food and lodging would, for example, not need to demonstrate the same level of funds as a person travelling around Australia for sightseeing purposes and staying in hotels.

Note: The applicant does not need to have their own funds (that is, the funds could be those provided by relatives or friends in Australia). Nevertheless, an applicant's financial situation may be relevant to an applicant's ability to meet the genuine temporary stay requirement and consideration of whether they have significant incentives to return to their home country – refer to [The genuine temporary stay requirement](#).

If:

- [s65](#) delegates have found that the applicant is suffering financial hardship as a result of changes to their circumstances after entering Australia and
- the [s65](#) delegate intends granting a visa without a work restriction

[600.212](#) (having access to adequate means to support themselves) will be met because there will be no restriction on the applicant being permitted to work. Under policy it is not a requirement that they actually have a job offer. It is sufficient that they have the legal entitlement to seek work.

Evidence of means of support

Officers make seek evidence if:

- an applicant indicates that they will be meeting their own expenses during the proposed visit but
- officers have doubts as to the applicant's ability to do this.

Evidence of funds may include, but is not limited to:

- bank statements and/or passbooks
- letters from banks and/or other financial institutions concerning the financial position of the applicant or the applicant's access to the funds of another person
- air tickets that have already been purchased
- available credit card funds.

Under policy cash and travellers cheques are not considered acceptable evidence of funds unless it can be proven that the applicant owns the funds.

In assessing evidence provided, officers should pay close attention to Safeguards information on fraudulent documentation.

Particularly in high risk caseloads, case officers should be aware that recently deposited funds may raise doubts as to whether the funds are personally owned. A savings history is considered to be better evidence of the availability of adequate funds.

In no case should officers request applicants to purchase an air ticket to satisfy this criterion, as this may raise the applicant's expectations as to the outcome of their application.

If the applicant indicates that they will be relying on the assistance of another person during the proposed visit, generally the person offering support should confirm their offer in writing and, if considered necessary, officers may request evidence that the person can provide the level of support offered. This evidence may include employment letters and/or bank statements.

Visitors 75 years or older

In recognition of the higher potential public health costs in respect of visitor visa applicants 75 years old or older, s65 delegates may consider requesting evidence of private health insurance or travel insurance covering the applicant's entire proposed period of stay in Australia. Alternatively, evidence of sufficient personal funds to cover any possible medical/hospital costs for the period could be sought (particularly where the period of stay is relatively short and the applicant might not be covered by insurance for such a period, given waiting period imposed on new insurance holders).

This is not necessary, however, if the applicant is adequately covered by a reciprocal health agreement unless they are being granted a visa with condition [8501](#) attached. For policy and procedure on health insurance for persons granted visas with longer stays and travel periods, refer to [Conditions 8558 – Not become resident](#).

Reciprocal health care agreements

Australia has reciprocal health care agreements with several countries. For further information, refer to the Department of Human Services's [Reciprocal Health Care Agreements webpage](#).

An applicant who claims to be covered on the basis of being a non-citizen resident of an agreement country should be asked to provide evidence of coverage.

Reciprocal health care arrangements do not cover pre-existing conditions, pre-arranged treatment or elective treatment.

Public interest criteria

Character and security related criteria

Public interest criteria (PICs) [4001-4004](#) apply to all visitor visa applications. For policy and procedure, refer to the relevant [PAM3: Sch4 - instructions](#).

It is essential that officers adhere strictly to character and security related policy and procedure:

- If character-related issues arise, email [Character National Office](#).
- If security-related issues arise, email [SALR](#).

Health criteria

The health requirement (PIC [4005](#)) applies to all visitor visas.

For policy and procedure, refer to [PAM3: Sch4/4005-4007 - The health matrix](#). For policy and procedure in relation to aged applicants, refer to [PAM3: Sch4/4005-4007 - Aged visitor visa applicants](#).

For further advice in difficult cases, email [Health](#).

Note: The outcome of the health check:

- may be critical to deciding whether to require the applicant to have health insurance as part of the 'adequate funds' criterion – refer to [Visitors 75 years or older](#)
- may affect the visa stay period.

The risk factor criterion - PIC 4011

The "risk factor" criterion (PIC [4011](#)) requires persons who have certain characteristics in common with persons identified as presenting a relatively high risk of visa non-compliance to satisfy the s65 delegate that there is very little likelihood that they will overstay. For policy and procedure,

- refer to [PAM3: Sch4/4011 - PIC 4011 risk factors](#) or
- for further information, email [Visitor Policy](#).

Applicants affected by the risk factor are required to satisfy a higher level of proof in regards to the genuine temporary stay requirement than are other applicants. An applicant will generally satisfy this higher level of proof only if:

- they have been employed for at least 12 months prior to the visa application being made, have approved leave for the period of stay sought and produce evidence that they will continue to be employed on their return from Australia or
- they have owned their own business for at least 12 months or
- if they are retired or otherwise not in the workforce, they can demonstrate that they have sufficient financial commitments and/or family ties providing sufficient incentive for them to return to their home country at the end of their visit

and

- they can provide evidence of their own funds, or their access to funds, to cover the period of stay sought and the activities proposed (refer to [Adequate means of support](#)) and
- there is no evidence of immigration malpractice, such as making false statements and presenting fraudulent documents, in respect of this, or any other Australian visa application.

Officers are therefore obliged to carefully consider applications from those persons subject to the PIC [4011](#) risk factor. Applicants must not, however, be refused a visa solely on the basis that they match the risk factor characteristics. Officers must make a balanced judgment, taking into account the applicant's personal circumstances in their home country weighed against the identified risk of not returning to that country. If officers are satisfied that the applicant's expressed intention only to visit Australia is genuine, and the applicant meets all other regulatory requirements, the visa must be granted ([s65](#) of the Act refers).

If the applicant is a minor

Best interests

Visitor visa applicants who are minors (under 18 years old) must satisfy additional criteria as outlined below. This is to ensure that their interests are protected and that Australia meets its international obligations in relation to minors.

If a complex case, officers may email:

- in relation to PIC [4012](#), [Visitor Policy](#); or
- in relation to PIC [4017](#) and [4018](#), [Family Policy](#).

PIC 4012 - unaccompanied minors

For policy and procedure on PIC [4012](#), refer to [PAM3: Sch4/4012 - Unaccompanied minors](#).

PIC 4017 - custody requirements

PIC [4017](#) prevents a visa being granted to a minor if there are custody/residence issues. For policy and procedure on the custody requirements, refer first to [PAM3: Sch4/4015-4018 - Custody \(parental responsibility\) and best interests of minor children](#).

In some cases, additional steps may need to be taken (for example, ensuring that appropriate documents were used to obtain court order and/or all legal requirements have been met to allow the minor to leave their home country temporarily).

In complex cases, officers should email [Family Policy](#) for advice.

PIC 4018 - Best interests of the child

PIC [4018](#) requires the s65 delegate to refuse to grant a visa if granting the visa would not be in the child's best interests (that is, a 'substantial risk' to the child is apparent). For policy and procedure, refer to:

- (in this instruction) [Minors](#) and
- [PAM3: Sch4/4015-4018 - Custody \(parental responsibility\) and best interests of minor children](#).

Immigration history-related criteria

PIC [4013](#) and PIC [4014](#) apply to all [FA-600](#) visas.

The PICs affect applicants who are subject to exclusion periods due to previous breaches of immigration law ([600.213](#) refers).

For policy and procedure, refer to [PAM3: Act - Visa cancellation - Exclusion periods](#). In complex cases, email [Compliance Helpdesk](#) for further advice.

The integrity PIC

Clause [600.213](#) requires the applicant to satisfy PIC 4020 which relates to the giving of false, misleading or incorrect information or a bogus document in relation to a visa application. For policy and procedure, refer to [PAM3: Sch4/4020 – The integrity PIC](#).

The passport requirement

Clause [600.213\(1\)](#) requires the applicant to satisfy PIC [4021](#), that is, either the applicant holds a valid passport or it would be unreasonable to require the applicant to hold a passport. For policy and procedure, refer first to [PAM3: Sch4/4021 - The passport requirement](#).

Special return criteria

SRC 5001 and 5002

Under [600.214](#), all [FA-600](#) applicants must satisfy special return criteria [5001](#), [5002](#) and [5010](#). For policy and procedure, refer to [PAM3: Act – Visa cancellation - Exclusion periods](#).

For further advice in complex cases, email [Compliance Helpdesk](#).

SRC 5010

The [FA-600](#) visa imposes an additional requirement on [Foreign Affairs students](#) and [Foreign Affairs recipients](#) through the application of special return criteria (SRC) [5010](#) ([600.214](#) refers).

These applicants must have 'the support of the Foreign Minister for the grant of the visa'. This is to be evidenced by presentation of a written statement of support from DFAT. For policy and procedure on requesting this statement from DFAT, refer to [PAM3 Div1.2/reg1.04A – Foreign Affairs recipients and Foreign Affairs students](#).

This criterion is intended to support Australia's aid program objectives by ensuring that Foreign Affairs-sponsored students return to their home country and put their skills and knowledge, gained through education and training programs in Australia, to use in the further development of their home country

If total stay will exceed 12 months

Exceptional circumstances must exist for granting an [FA-600](#) visa if the period of authorised stay in Australia as the holder of one or more:

- visitor visas (that is, [FA-600](#), [UD-601](#) ETA, [TV-651](#) eVisitor and all former equivalents) and/or
- Working Holiday ([TZ-417](#)) visas
- Work and Holiday ([US-462](#)) visas and/or
- bridging visas

would exceed 12 consecutive months - [600.215](#) refers.

For applications made on or after 21 November 2015, bridging visas are included in the list of visas that count towards the '12 consecutive months' referred to in 600.215. (Prior to the inclusion of bridging visas, a new 12 month period began when an applicant "moved" to a bridging visa while awaiting a visa decision, therefore not requiring exceptional circumstances to exist for their extended stay in Australia.)

Under policy, exceptional circumstances may include:

- the death, serious illness or serious medical condition of a member of the visa applicant's close family in Australia, in circumstances where the visa applicant is required to stay in Australia to provide assistance or support
- a change in the applicant's circumstances (or the circumstances of an Australian resident) that:
 - could not have been anticipated at the time their visitor visa was granted **and**
 - is beyond the visa applicant's control **and**
 - where not granting a visa would cause significant hardship to an Australian resident or citizen.

If a visa holder:

- was in Australia for less than the period authorised by the visa and
- is now seeking a further visa

- for example, a previous Working Holiday visa holder was in Australia for 6 months of their 12 month visa, but left before their visa ceased - consideration should be given to the previous period of stay, the stay period requested and the intent of the visit. An unused stay period on a previous visa may support the applicant's claims as intending a genuine temporary stay. Officers should be mindful of the differences between the conditions of the two visas (for example, work rights), and the policy relating to de facto residence (refer to [De facto residence](#).)

In all cases where the applicant has recently spent 12 months or more in Australia cumulatively but not consecutively, officers should consider carefully whether the applicant continues to satisfy the genuine temporary stay requirement – refer to [Genuine temporary stay](#). For example, persons returning after a short stay outside Australia and wishing to remain for a significant period may have difficulty meeting the genuine temporary stay requirement.

For further advice, email [visitor.policy](#).

FA-600 stream criteria

Eligibility streams

In addition to the common criteria that all applicants must satisfy (refer to [Visitor visas - Common criteria](#)), a [FA-600](#) applicant must satisfy one of four streams:

- [Tourist stream](#)
- [Business Visitor stream](#)
- [Sponsored Family stream](#) or
- [Approved Destination Status stream](#).

The applicant needs to be assessed against one stream only (refer to regulation [1.07\(2\)](#)).

Tourist stream

About the Tourist stream

The Tourist stream is for persons who wish to visit or stay in Australia for up to 12 months for non-work purposes other than business or medical treatment. All applicants must satisfy primary criteria.

The Tourist stream is particularly appropriate for:

- ETA-eligible or eVisitor eligible nationals who wish to stay longer than 3 months in Australia
- non-ETA eligible or non-eVisitor eligible nationals who wish to visit Australia
- ETA eligible or eVisitor eligible nationals who may experience problems at the airport on arrival in Australia if travelling on an ETA or eVisitor (for example, due to a history of criminal convictions or a pattern of repeated, longer stays in Australia).

Paper applications for Tourist stream visas can be made by all nationals. Some nationals are also able to make an [Internet application](#) for a Tourist stream visa. This electronic visitor visa service is known as “e600” – refer to Applying for a visitor visa - [Eligibility for e600](#).

The Preferred Aussie Specialist Program helps streamline visitor visa applications lodged by agents from participating countries – for further information, refer to [The Preferred Aussie Specialist \(PAS\) program](#).

Tourist stream valid application requirements

Refer to [Schedule 1 item 1236 and related requirements](#).

Tourist Stream Schedule 2 criteria

Applicable criteria

At time of decision, all Tourist stream applicants, regardless of whether they made an internet application or a paper application, must satisfy certain criteria, as outlined in:

- [Tourist stream - Purpose of visit](#)
- [Tourist stream - Sponsorship by an eligible relative](#)
- [Tourist stream - If intending to study](#)
- [Tourist stream - If intending to buy property in Australia](#)
- [Tourist stream - If intending voluntary work in Australia](#).

Some **additional** requirements apply in relation to Tourist stream applications made in Australia – refer to [If in Australia applying for a Tourist stream visa](#).

Tourist stream - Purpose of visit

Under [600.221](#), the applicant must be seeking to visit Australia, or remain in Australia as a visitor:

- to visit an Australian citizen, or Australian permanent resident who is a parent, spouse, de facto partner, child, brother or sister or
- for any other purpose not related to business or medical treatment

An applicant’s statement of intended activity in Australia should be taken at face value and, if appropriate, this criterion should be considered satisfied. The genuineness of this stated intention is assessed under the genuine temporary stay criterion.

Under policy, ‘medical treatment’ includes giving birth in an Australian hospital. However, provided this is secondary to the primary purpose of stay, [600.221](#) can still be satisfied.

If:

- a visa applicant’s intended purpose of travel contains an element of business but

- the primary purpose is other than business or medical treatment

the applicant may still be eligible for the grant of the visa provided:

- their proposed activity in Australia does not constitute work and
- condition [8101](#) would not be breached.

If the applicant is seeking to visit family in Australia and officers have doubts as to the existence of the relationship between the applicant and the person in Australia, officers may ask the applicant to provide documentary evidence of the relationship/immigration status, such as birth or marriage certificates, a certified copy of the relative's citizenship certificate or permanent visa or similar evidence of the relative's citizenship or resident status. However, before seeking evidence of this sort officers should consider whether there are other grounds to refuse the visa regardless of the relationship with the Australian resident.

Blood, step and adoptive relationships within the specified degree of relationship are equally acceptable, given the combined effect of:

- the [s5\(1\)](#) definition of parent
- the [s5CA](#) definition of child and
- regulation [1.14A](#) ('Parent and child')

(for which, if necessary, refer to the corresponding PAM3 instructions).

Tourist stream - Sponsorship by an eligible relative

If an applicant has indicated that they are intending to visit Australia to visit an Australian citizen or Australian permanent resident who is a parent, spouse, de facto partner, child, brother, or sister of the applicant, an officer may request that the applicant be sponsored by a settled Australian citizen or permanent resident who is:

- at least 18 years of age and
- a relative of the applicant or
- a relative of another applicant who is a member of the family unit of the applicant or
- a relative of another applicant in relation to who the applicant is a member of the family unit.

(Note that, unlike in the [Sponsored Family stream](#), parliamentarians, mayors and government agencies cannot lodge a sponsorship in the Tourist Stream.)

If the [s65](#) delegate is not satisfied that a genuine temporary stay is intended, the visa must be refused.

The discretion to request sponsorship is intended to be used only in exceptional cases where a sponsorship may be the deciding factor permitting grant, and generally only for applicants outside Australia. Advice should be sought from an A-based officer before requesting an applicant to provide sponsorship. In considering whether to request a sponsorship (and bond), [s65](#) delegates should be mindful of the following aspects associated with sponsorship:

- the more restrictive visa conditions and potential sponsorship bar provisions
- the additional administrative burden and processing time for applicants and the department.

It is not envisaged that sponsorship would be requested for applicants who are in Australia. In rare cases, it may be appropriate to consider sponsorship for a Sponsored Family stream visa holder applying for further stay in the tourist stream. Advice should be sought from a branch manager (EL1) before requesting an applicant in Australia to provide sponsorship.

Sponsorship (and a bond) may provide additional incentives for an applicant to return to their home country if they are visiting a relative outside their family unit, particularly if the applicant's incentives to remain and depart might otherwise be equally strong. It is expected that sponsorship would be considered only from a person mentioned in the visa application where that person would not benefit from the applicant remaining in Australia. For example, a partner may not be an effective sponsor due to having a strong interest in the applicant remaining in Australia.

If an officer determines that a sponsorship is required and the applicant fails to provide it or any requested bond this criterion would not be met and the grant of a visa is to be refused. If an officer has required that a sponsorship be lodged, it is then not possible for the officer or any other officer to withdraw the request. Once a sponsorship has been required it becomes a criterion for the grant of the visa.

If a bond has been requested and not paid, this will be grounds for refusing the visa. If the visa is refused because the bond has not been paid, if at any time up to the time when the application is finally determined the bond is paid, this requirement will be met.

For information on processes relating to sponsorship and requesting, processing and refunding bonds, refer to Sponsored Family stream sponsorship:

- [Who may sponsor](#)
- [Who can be sponsored](#)
- [Deciding the sponsorship](#)
- [Security bond](#)
- [Payment of security bond.](#)

Tourist stream - If intending to study

Generally, an intention to undertake study or training for a period of up to 3 months in Australia can be the main purpose of visit for a Tourist stream visa applied for outside Australia. However, for applicants in Australia, restrictions as to the type of study apply – refer to [Applicants in Australia and study](#).

Applicants who indicate in their visa application an intention to undertake a CRICOS-registered course of more than 3 months, should, however, be advised to apply for a Student visa, which entitles them to a range of consumer protection mechanisms administered by the Department of Education that do not apply when studying on a visitor visa.

For the same reasons, secondary exchange students should also be advised to apply for a Student visa, not a visitor visa, even if the period of study or exchange is less than 3 months.

Tourist stream - If intending to buy property in Australia

Nothing precludes a person from obtaining an [FA-600](#) visa for the purpose of purchasing property in Australia.

Note:

- Generally only Australian citizens, Australian permanent residents or certain special category visa holders can purchase existing property, house, land, townhouse or units.
- As visitor applicants wishing to purchase property in Australia will need to seek prior approval from the Foreign Investment Review Board (FIRB) before signing any contracts for the proposed purchase, such applicants (or enquirers) should be referred to the FIRB website.

If an applicant indicates that they are coming to Australia to purchase a particular property, it is open to [s65](#) delegates to request evidence of FIRB approval as a factor in assessing the “genuineness” of the proposed visit.

Tourist stream - If intending voluntary work in Australia

If the applicant is seeking an [FA-600](#) visa with the intention of undertaking volunteer work, refer to [Volunteer workers](#).

If in Australia applying for a Tourist stream visa

Additional requirements/concession

In addition to the criteria that apply to Tourist stream applicants outside Australia:

- applicants in Australia must hold a particular type of visa – refer to Immigration status

and

- additional criteria also apply if an applicant in Australia last held, or currently holds, a Student visa – refer to [Applicants in Australia and study](#)

Also, however, special provision exists ([600.611](#) refers) for a Tourist stream visa to be granted to certain applicants in Australia in circumstances where work rights are required – refer to [Financial hardship](#).

Immigration status

Under [600.223](#), Tourist stream visa applicants in Australia must hold a substantive temporary visa **other than**:

- a TG-[426](#) Domestic Worker (Temporary) - Diplomatic or Consular visa or
- a [GD-403](#) Domestic Worker (Diplomatic or Consular) stream visa

or, if they do **not** hold a substantive visa:

- their last substantive visa must not have been either of the above **and**
- they must satisfy Schedule 3 criteria [3001](#), [3003](#), [3004](#) and [3005](#). (Refer to [PAM3: Sch3](#) for further information. In difficult cases, officers should email [Notification Enquiries](#) for advice.).

Because Schedule 3 criterion [3001](#) applies, there is no provision to grant a Tourist stream visa to a person who applies for the visa more than 28 days after their last substantive visa ceased.

Applicants in Australia and study

Tourist stream applicants in Australia who hold a Student visa (or have held a Student visa since last entering Australia ([600.222](#) refers), can be granted a Tourist stream visa to extend their stay in Australia only if officers are satisfied that the applicant is not seeking to stay in Australia for the purpose of commencing, continuing or completing any studies or training.

This does not prevent Student visa holders in Australia from extending their stay as a Tourist stream visitor in order to attend a graduation ceremony, re-sit an exam that they failed or do extra work for a subject in which they are unable to re-enrol.

Financial hardship

Applicants in Australia who are in financial hardship can be granted a Tourist stream visa with work rights attached - refer to:

- [600.611](#) and
- [Applying in Australia for permission to work](#).

Applicants must still meet all common and Tourist stream criteria.

Business Visitor stream

About the Business Visitor stream

The Business Visitor stream:

- does not allow the holder to work in Australia
- allows the holder to undertake [business visitor activities](#) in Australia.

An applicant will not meet this criterion for visa the grant if:

- their intended purpose in Australia includes an element of work and
- that work does not conform with the definition of business visitor activity.

A person seeking to undertake highly specialised, non-ongoing short term work in Australia should consider applying for a [GA-400](#) Temporary Work (Short Stay Activity) visa.

Business Visitor valid application requirements

Refer to [Schedule 1 item 1236 and related requirements](#).

Business Visitor stream Schedule 2 criteria

Engage in business visitor activity

The Business Visitor stream (see [600.24](#)) is intended for genuine business visitors to engage in a [business visitor activity](#) in Australia. It is intended to facilitate international commerce consistent with Australia's World Trade Organisation and Free Trade Organisation commitments.

The Business Visitor stream is not intended to allow entry to the Australian labour market in any circumstances or to allow retail activity (the sale of goods or services to the general public). The definition of business visitor activity should be interpreted broadly where the applicant is visiting Australia to undertake activities associated with their business or occupation and those activities are not prohibited by the definition of business visitor activity or otherwise able to be easily undertaken on another visa such as the Research and Training visa.

Note: The Tourist stream visa does not permit a visa for a purpose related to business - refer to: [600.221\(b\)](#).

Under policy, it is not appropriate for applicants who intend to work in Australia, and who are waiting for their [UC-457](#) or other "400 series" visa application to be decided, to travel to Australia on Business Visitor stream visa. This is because these persons are likely to engage in Australia in work.

If a visa applicant's intended purpose of travel contains an element of tourism but the primary purpose meets the definition of business visitor activity the applicant may still be eligible for the grant of the visa as long as their proposed activity in Australia would not breach condition [8115](#).

The definition of business visitor activity

[Business visitor activity](#) is defined in regulation 1.03. Refer to [PAM3: Div1.2/reg1.03 -Business visitor activity](#).

No adverse consequences for Australian citizens or Australian permanent residents

Business Visitor stream applicants must 'not intend to engage in activities that will have adverse consequences for employment or training opportunities, or conditions of employment, for Australian citizens or Australian permanent residents' ([600.242](#) refers).

This criterion is intended to take account of situations where the activity being undertaken meets the definition of business visitor activity but may nevertheless have adverse consequences for employment or training opportunities, or conditions of employment for Australian citizens or Australian permanent residents. This means that even if an applicant is to undertake an activity that meets the definition they may still fail to meet this criterion. If this occurs the application must be refused.

It is envisaged that this situation will occur rarely as the definition of business visitor activity specifically excludes work.

Under policy this criterion can be considered to be met without further enquiry if there is no information available to indicate that it is not met.

Study and training

Visa condition [8201](#) allows holders of Business Visitor stream visa to undertake studies or training for up to three months.

A person seeking a visitor visa to undertake training or study directly related to their occupation or business may be eligible for either a Tourist or Business Visitor stream visa. To this end, the definition of business visitor activity should be interpreted broadly to permit such activities provided the activities:

- are not prohibited by the definition and
- do not have adverse consequences for employment or training opportunities, or conditions of employment, for Australian citizens or Australian permanent residents and
- cannot be easily undertaken on another visa such as the GC-402 Training and Research visa.

In the case of an academic wishing to visit Australia to conduct research in relation to a project or qualification they are undertaking overseas, under policy this may also be accommodated under either the Tourist or Business Visitor stream.

Period of stay – General

Under policy, the maximum stay that should generally be granted to visa applicants in the Business Visitor stream is 3 months. It is generally considered that this is a sufficient period for persons conducting genuine business visitor activities to remain in Australia.

Period of stay – Service sellers

Service sellers are representatives of suppliers of services located outside Australia who propose to represent the supplier in Australia. Persons wishing to enter Australia as service sellers must show that the representation involves negotiating or entering into agreements for the sale of services, but does not involve the supply or direct retail sale of the services.

Services sellers from all World Trade Organisation countries should be allowed stays of up to 12 months, reflecting Australia's World Trade Organisation and Free Trade Agreement commitments.

Sponsored Family stream

About the Sponsored Family stream

This stream is similar to the Tourist stream but includes:

- a formal sponsorship requirement
- a mandatory “no further application” condition ([8503](#))
- a mandatory condition requiring that the applicant leave Australia within the stay period of the visa on which they entered Australia ([8531](#)) and
- payment of a security bond, if requested by the [s65](#) delegate

A sponsor of a Sponsored Family stream visa who does not comply with all visa conditions is precluded by regulation [1.20L](#) from sponsoring another visitor for 5 years. There are very limited circumstances under which the 5 year bar can be lifted – refer to [Sponsorship limitations](#).

Sponsored Family stream valid application requirements

Refer to [Schedule 1 item 1236 and related requirements](#)

Sponsored Family stream sponsorship

Who may sponsor

Refer to [600.232](#). The sponsor must be:

- a settled Australian citizen or Australian permanent resident who is at least 18 and is either:
 - a relative (as defined in regulation [1.03](#)) of the applicant or
 - a relative of another applicant who is a member of the family unit (as defined in regulation [1.12](#)) of the applicant or
 - a relative of another applicant in relation to whom the applicant is a member of the family unit

or

- a settled Australian citizen or Australian permanent resident who is a Commonwealth/State/Territory member of parliament or local government mayor or
- a Commonwealth/State/Territory government agency or instrumentality.

Special Category ([TY-444](#)) visa holders, eligible New Zealand citizens, New Zealand citizens and New Zealand permanent residents cannot sponsor an applicant for a Sponsored Family stream visa.

If the sponsor is an individual

Sponsor must be settled

The sponsor (if an individual, that is, a natural person) must be a settled Australian citizen or permanent resident. [Settled](#) is defined in regulation 1.03 as 'lawfully resident in Australia for a reasonable period'.

Under policy, a reasonable period is considered to be 2 years. Officers should, however, be flexible in assessing the settled requirement. Periods of temporary residence, as well as permanent residence, can be counted towards making up the 2 year requirement.

For this requirement to be met, the sponsor must be lawfully resident at the time the application is made. This does not necessarily mean that the sponsor must be in Australia at this time because a temporary absence would not negate the fact that a person is lawfully resident. However, if the sponsor has moved permanently overseas, they would not be considered to be lawfully resident in Australia even if the absence at the time the application is made has been for a short period only.

The requirement may also be met if a person has spent some time in Australia on a temporary visa and then been granted a permanent visa. In such a case, the temporary stay may contribute to satisfying the 'settled' criterion if the [s65](#) delegate concludes that the person became lawfully resident during the period of temporary stay and the lawful residence has been maintained. This means that time spent as a student, for example, before being granted a permanent visa may, depending on the circumstances, contribute to satisfying the 'settled' criterion.

Note: the assessment of whether a sponsor is settled for the purposes of a Sponsored Family stream visa application is separate and distinct from the assessment of the settled requirement for permanent visas. For more information on the assessment of the settled requirements for permanent visas, refer to [PAM3: Div1.4-Form 40 sponsors and sponsorship](#).

Sponsor must be an adult

A sponsor must be able to be held accountable for the sponsorship undertakings they give. Consequently, under [600.232](#), a sponsor (if an individual) must be an adult (that is, at least 18 years old).

If the sponsor is an organisation

If an MP, MLA or mayor

Sponsorships by a member of parliament, member of a legislative assembly or a mayor must be completed personally by the sponsor.

If a government agency or instrumentality

If the visa applicant is sponsored by a government agency or instrumentality, the sponsorship form must be completed by an authorised officer and show the official seal of the agency or instrumentality. The authorised

officer must be authorised to make the sponsorship undertaking on behalf of the agency or instrumentality; merely being an employee of the agency or instrumentality is not sufficient.

Who can be sponsored

Relatives as per reg. 1.03 definition

Clause [600.232](#) allows an individual to sponsor:

- a *relative*, in accordance with the regulation 1.03 definition of relative
- a relative of another applicant who is a member of the family unit of the applicant and
- a relative of another applicant in relation to whom the applicant is a member of the family unit.

These arrangements allow sponsorship of three categories of persons, as outlined in:

- [A relative of the sponsor](#)
- [A family unit member of an applicant who is the sponsor's relative](#)
- [A family unit member of an applicant who is the sponsor's relative.](#)

A relative of the sponsor

An example of this is where the applicants are the parents and a sister of the sponsor. The parents and the sister are all *relatives* of the sponsor (as per the regulation 1.03 definition) and so all are eligible to be sponsored at the same time by the same sponsor. Whether the sister, for instance, is over 18 or living independently is irrelevant, because she is a relative of the sponsor and therefore [600.232](#) is satisfied.

An applicant whose family unit member is the sponsor's relative

An example of this is where a niece or nephew of the sponsor has applied for a visa with a parent who is not a blood relation of the sponsor. The parent who is not a blood relation is the sponsor's brother-in-law or sister-in-law and, under the regulation 1.03 definition, is not a *relative* of the sponsor. The niece or nephew is a relative of the sponsor, however, and because they are members of the family unit of their parent, the parent (the sister-in-law/brother in law) is also able to be sponsored.

A family unit member of an applicant who is the sponsor's relative

An example of this is where the sponsor's uncle and the uncle's child have applied for an [FA-600](#) visa. Under the regulation 1.03 definition, the uncle is a *relative* of the sponsor but the uncle's child is not, because the child is the cousin of the sponsor and cousins are not included in the regulation 1.03 definition of 'relative'. However, because the cousin is a member of the family unit of the uncle and the uncle has also applied for a visa, the cousin may also be sponsored.

Establishing the relationship to the sponsor

For consistency across immigration programs, it is policy that, for an [FA-600](#) Sponsored Family stream visa, the evidence to establish the sponsor's eligibility (age, 'settled' and the family relationship to the applicant is the same as that required for form 40 (family) sponsorship. Refer to [PAM3: Div1.4 - Form 40 sponsors and sponsorship](#).

If a Sponsored Family stream sponsor lodges the visa application on the basis of being the visa applicant's **partner**, a full assessment of the partner relationship is generally not considered necessary. This is because the visa applicant is being sponsored for a visit only, not permanent migration. Additional evidence should, however, be requested if officers have concerns as to the genuineness of the partner relationship or the applicant and their sponsor have previously unsuccessfully applied for a Partner or Prospective Marriage visa.

Officers may email [Family Policy](#) if needing assistance in establishing the existence of a family relationship, including adoptive relationships.

If more than one applicant is listed on the sponsorship form 1149

An individual may apply to sponsor more than one applicant on the same form 1149. These applicants are considered to be lodging applications simultaneously and are not 'previous applicants' for the purposes of regulation [1.20L](#).

Clause [600.233](#) requires that a visa be granted to the applicant who is a relative of the sponsor before a visa is granted to an applicant who is not a relative. If applications by persons listed on the same form 1149 are being considered at the same time, under policy this requirement may be taken to have been met if the grant of the visa to the sponsor's relative has been assessed as "ready for grant".

Deciding the sponsorship

Sponsor must be approved

The sponsor must be 'approved' before lodging the sponsorship (regulation [1.20\(3\)](#)). In practice, for Schedule 2 purposes officers "accept for consideration" a form 1149 without having first approved the sponsor.

Schedule 1 item [1236](#) requires that the visa application be made by the person, agency or instrumentality specified in the legislative instrument that is seeking to sponsor the applicant.

Regulation [1.20\(2\)\(b\)](#) sets out the obligations of a Sponsored Family stream sponsor.

Approving the sponsorship

Clause 600.234 requires that the sponsorship be approved. Under policy, the sponsorship may be approved without further enquiry, provided the sponsor is not affected by a sponsorship bar under regulation [1.20L](#) – refer to [Sponsorship limitations](#).

However, if a sponsor has habitually sponsored the same relative for an [FA-600](#) visa, officers may have cause to closely investigate the purpose of stay when assessing whether criteria for visa grant are satisfied.

If the sponsorship is not approved

If the sponsorship is not approved, the visa must be refused. For case audit purposes, the decision to approve (or not approve) the sponsorship must be clearly recorded on the case file and in ICSE case notes.

Validity of the sponsorship

Schedule 2 requires an approved sponsorship to still be in force at time of decision on the visa application. There is no prescribed period for which a sponsorship is in force. If there is a significant delay between approving the sponsor and granting the visa, officers need to be satisfied that the sponsor is still capable of, and prepared to fulfil, the sponsorship obligation.

The sponsorship would no longer be in force if the sponsor has died, or the MP, MLA or authorised officer of a government instrumentality has resigned.

Withdrawal of sponsorship

Withdrawal of the sponsorship by the sponsor before a visa is granted would normally lead to visa refusal. However officers may invite the applicant to provide another sponsor.

It is possible for a sponsor to request a withdrawal of the sponsorship after a visa has been granted. The department must then consider whether it agrees to release the sponsor from their sponsorship undertakings. Details of such cases should be emailed to [Visitor Policy](#) for advice.

Confirmation of the department's agreement to release the sponsor from their undertakings should be provided to the sponsor in writing. As the power to release the sponsor from their sponsorship undertakings is implied in regulation 1.20, the departmental officer who decides to release the sponsor from their undertakings must be a delegated officer for the purposes of regulation 1.20.

If the department agrees to the withdrawal of sponsorship, the visa granted on the basis of that sponsorship may be considered for cancellation, because a circumstance which permitted the grant of the visa no longer exists.

A sponsor's undertakings are completely separate from any security bond arrangements. Therefore, if a sponsor is released from their sponsorship undertakings, this does not affect any bond that was requested. This means that if the bond is being held by the department, this arrangement will continue until such time as the bond is refunded or forfeited as per normal procedures.

Sponsorship limitations

Policy background

Sponsorship limitation is a key component of the Sponsored Family stream visa. Together with the provision for a security, the sponsorship limitation is intended to encourage sponsors to have a better understanding of the conditions of a visitor visa and be held responsible for the claims they make about an applicant or the support they will give to them.

The regulatory and policy intention is that a sponsor must accept responsibility for ensuring compliance by the visa holder with the conditions under which authority to enter Australia is granted.

Sponsorship form 1149 requires sponsors to list any visitors they have previously sponsored.

The limitation on approving sponsorship operates in regards to any future sponsorship from that sponsor under the [FA-600](#) Sponsored Family stream. It does **not** relate merely to the same sponsored visitor.

About regulation 1.20L

Regulation [1.20L](#) prevents officers approving a sponsorship under [600.224](#) if:

- the sponsor has previously sponsored an applicant for a:
 - Sponsored Business Visitor (Short Stay) (459) visa
 - Sponsored Family Visitor (679) visa or
 - Sponsored Family stream Visitor ([600](#)) visa and the previous visa is still in effect or
- the previous visa holder sponsored by this sponsor did not comply with a condition of their visa and 5 years has not yet elapsed since that visa was granted unless special circumstances exist for this sponsorship bar to be lifted, refer to [Sponsorship limitations](#) .

However, regulation [1.20L\(3\)](#) provides a rare exception to these provisions, in that a sponsor may be eligible to sponsor another person while a previous applicant's sponsorship is still in place, if the new applicant is a member of the family unit of the previous applicant and is proposing to visit Australia for the same purpose as the previous applicant.

- For example, an individual could sponsor their brother to visit Australia for a family gathering, then 2 weeks later could apply to sponsor the brother's dependent child (sponsor's nephew) to also visit Australia for the same family gathering.

Regulation [1.20L\(3\)](#) provides that the second sponsorship application is valid. In such situations, however, the new applicant's intention of genuine temporary stay may need careful scrutiny. details of such cases can be emailed to [Visitor Policy](#) for advice.

Lifting the sponsorship bar

Regulation [1.20L\(4\)](#) provides prescribed circumstances to lift the 5 year bar where the sponsor's previously sponsored 679 or [600](#) visa holder did not comply with condition [8531](#).

This decision can be made at any time and independent of a further sponsorship and visa application. The [s65](#) delegate has to be satisfied that:

- the previously sponsored [679](#) or [600](#) visa holder did not comply with condition [8531](#) due to circumstances beyond their control and
- those circumstances arose after the visa holder entered Australia.

Note: The current applicant and the former 679 or [600](#) visa holder need not be the same person.

Assessing whether the 5 year bar applies

Administratively, the assessment of whether the regulation [1.20L\(4\)](#) exemption applies to the sponsor in respect of their current sponsorship application is made by a delegated officer in the visa processing office.

Circumstances beyond previous visa holder's control

Examples of the circumstances beyond the control of the previous sponsored visitor are:

- a visa holder and/or member of their accompanying family unit having had an accident or having fallen seriously ill after arriving in Australia, such that they were unfit to travel
- death of the visa holder while in Australia
- the death or serious illness of an Australian resident member of the visa holder's close family, in circumstances where the visa holder was required to remain temporarily to provide assistance or support, might also satisfy criteria. The [s65](#) delegate must be satisfied that this occurred after the visa holder's arrival in Australia and would also have regard to whether other family and/or community support was available in Australia
- the visa holder's flight was cancelled or delayed at short notice and they were unable to arrange an alternative departure date within the period of their visa or
- unforeseen civil unrest of a serious nature in home country likely to endanger life.

In assessing whether the circumstances were beyond the previous visa holder's control, the [s65](#) delegate must also have regard to any other information the department holds - for example:

- a security bond might have been refunded on the basis that the delegate was satisfied that the circumstances were beyond the visa holder control or
- the visa holder might have had "no further application" condition [8503](#) waived.

Although in these two examples the reasons given in relation to a refund of the security bond and/or waiving condition [8503](#) will be taken into account by the [s65](#) delegate, those reasons may not necessarily be sufficient for the [s65](#) delegate to approve the lifting of the 5 year sponsorship bar, that is, the delegate may decide to refund the security bond but not waive the sponsorship bar.

When a decision regarding the sponsorship is made it is to be recorded against the sponsor on ICSE. For an approval this will include reversing the sponsor bar on ICSE.

Security bond

Legislative authority

Schedule 2 gives officers with s269 delegation the discretion to require a security bond. Officers must refer (on Bordernet) to the ministerial series of delegations and authorisations because not all officers with s65 power to grant/refuse a visitor visa have been given the power to request a security.

In signing a form 1149, the Sponsored Family sponsor indicates that they are willing, if requested, to arrange for a security bond to be lodged in respect of the visit.

The security bond does not have to be lodged by the sponsor; any person can lodge it.

Failure to lodge a security bond (if requested) is not grounds for not approving the sponsor. However, it is grounds for visa refusal ([600.225](#)).

Purpose of the security

A bond is not a mandatory requirement and a visa can be granted without a bond request being made. Furthermore, a bond is not a “guarantee” that a person will return home by the time their visa ceases, and a large bond should not be used as an alternative to visa refusal if officers are not satisfied that the genuine temporary stay requirement is met. It should be imposed only if officers have residual concerns that the applicant may attempt to stay in Australia after their visa has ceased.

A request for a security bond provides added encouragement for the sponsor to ensure that they know enough about the visa applicant to ensure their compliance with visa conditions.

Factors in requesting a security bond

The lodging of a security bond by their sponsor will give the applicant extra incentive to leave Australia before their visa ceases and to comply with visa conditions. A security bond should be requested if the s65 delegate is satisfied that the applicant intends a genuine temporary stay but has residual concerns regarding the applicant’s intention to comply with the conditions of their [FA-600](#) visa.

In considering whether to request a security bond, officers may take into account:

- the immigration history of the applicant and the sponsor, including non-compliance with visa conditions or any non-return in respect of any visa granted to them
- the incentives for the applicant to return home
- the purpose of the applicant’s visit (in special circumstances a higher bond may be appropriate to enable high risk applicant to travel, for example to attend a family funeral)
- if an applicant has compelling and compassionate reasons requiring them to travel to Australia urgently.

In some cases officers will find that the sponsorship undertaking, together with the other evidence the applicant provides, will be sufficient to satisfy them that the applicant will abide by their visa conditions, and no bond is required.

The amount of the security bond

No amount of security will be enough to provide sufficient incentive for some applicants to leave Australia. If a s65 delegate is not satisfied that the genuine temporary stay requirement is met, the visa should be refused. Refer also to [Visitor monitoring and forfeiture of the security](#).

If requested, the security bond is to be set at a level sufficiently meaningful to encourage the visa holder to comply with the conditions of their visa. To achieve this objective, bonds set between AUD 5 000 to AUD 15 000 per applicant would ordinarily be reasonable.

Consideration should be given to requesting a higher bond in those cases where the applicant has strong compelling reasons for wanting to come to Australia, such as to attend a substantial family event, but the level of risk posed by the applicant remains high. For example, if it is known that the sponsor may be of ill health, and that there is a residual concern that the applicant may not comply with their visa conditions, a security of more than AUD 15 000 should be requested.

The decision to request a security is at the discretion of the delegate and each case should be considered on its merits. Policy does not support a standard security amount being applied in all cases. Instead, officers should weigh the incentive to return and the information provided by the applicant and request a security amount adequately reflecting the information at hand.

Family groups

If several members of the same family group are covered by the same sponsorship, a flexible approach should be taken in determining the bond amount unless high risk applicants are involved. Officers may request a security bond in respect of the application by some members of a family group travelling together while not requiring a security for other members of the same group. Alternatively, officers may decide to place a low bond on each applicant, which amounts to a significant bond for the family group as a whole.

The decision to request a security needs to be made according to the concerns officers have as to the likelihood of each individual family member complying with visa conditions.

Requesting a security

If a security is to be requested, it should be requested only after all other checks and clearances in respect of the visa application have been obtained. This will avoid situations where a security has been lodged, only to have the visa refused on other grounds (for example, health). In such cases, arrangements would have to be made to release the security to the person who paid it.

For case audit purposes the decision to request (or not request) a security must be clearly recorded on case files or in ICSE case notes.

If the visa holder seeks visa cancellation

Before travelling to Australia, if a Sponsored Family stream visa holder wishes their [FA-600](#) visa to be cancelled, they are required to request this in writing (regulation [2.43\(1\)\(g\)](#) refers).

If the visa holder writes to an overseas post or to a departmental office in Australia requesting cancellation of the visa, the post/office should cancel the visa and email [yvb.refund](#) to arrange for any security to be refunded.

Officers should consult/email [Compliance Helpdesk](#) for advice regarding cancellation procedures.

Refer also to [PAM3: Act – Visa cancellation - General visa cancellation powers \(s109, s116, s128, s134B and s140\) - Act, s116 - Grounds for visa cancellation - 27.10 - Reg. 2.43\(1\)\(g\) - Visa holder requests cancellation.](#)

Payment of security bond

Who pays the security bond

A security can be requested for either the Tourist stream visa ([600.225](#) refers) or the Sponsored Family stream visa ([600.235](#)). The Regulations do not prescribe who should lodge the security. The requirement to lodge a security includes the lodgment of the security by any person on behalf of the visa applicant.

For a Tourist stream visa, the **applicant** should be asked to arrange the lodgment of the bond unless they have authorised another person to act on their behalf. For a Sponsored Family stream visa, the **sponsor** should be asked to arrange for the security to be lodged.

The guidelines that follow merely reflect the policy view that it is envisaged that, in most cases, it is the sponsor who will lodge the security.

If a security bond is requested but not paid

Failure to pay the security is grounds for visa refusal.

Unless alternative arrangements have been made with the sponsor, if the security bond is not lodged within 28 days of the date the bond request letter is deemed to have been received, the visa should be refused because:

- in the case of the Tourist stream, the applicant will not satisfy [600.225](#)
- in the case of the Sponsored Family stream, the applicant will not satisfy [600.235](#).

Accepting a security after visa refused because security not lodged

If an [FA-600](#) visa application has been refused on the basis that the security was not lodged (either [600.225](#) or [600.235](#)) it is still open to the department to accept the security until such time as the application is finally determined. An application is not finally determined during the time period allowed for an application for review or while it is before the AAT.

In practice, this means that if a requested security is not lodged and the application is then refused because either [600.225](#) or [600.235](#) is not met, the applicant can still lodge a security during the 21 day period after notification of decision (this is the time allowed for the applicant to lodge with the AAT) or while the case is being considered by the AAT.

Sponsors are provided with a Security Bond Lodgment Form containing a Security Request Number (SRN) specific to their case. After the security has been lodged, a receipt is provided to the payer which references the SRN. A copy of the Security Bond Lodgment Form and the receipt with the same SRN may be considered evidence that the bond has been paid. It takes one business day for payment to be recorded in departmental systems.

Extension of time to lodge

If a sponsor requests more time to lodge the security, the [s269](#) delegate has the discretion to grant an extension but should consider factors such as applicant's proposed date of travel and the likelihood of sponsors not having the money readily available. ICSE case notes should reflect any extension of time.

If an applicant is not proposing to travel for some time and the sponsor would prefer to delay paying the bond, officers should take a flexible approach and offer to delay finalising the application until closer to the proposed travel date.

Release of the security

Given the purpose of the security (and the power inherent in [s269](#)), the security will generally be released to the payee only when the visitor leaves Australia having complied with all visa conditions. After the visa holder leaves Australia, the Visitor Visa Bonds team will arrange for any security to be refunded. Queries regarding bond refunds can be directed to and email [yvb refund](#).

Visitor monitoring and forfeiture of the security

If an FA-600 visa holder does not comply with visa conditions, the security bond is liable for forfeiture. Although the exercise of this power is discretionary, under policy, generally a security bond will be forfeited if the visa holder has not complied with a visa condition.

If the sponsor believes circumstances arose that could not have been anticipated and that led to the Sponsored Family Visitor visa holder being unable to leave Australia before their visa ceased, the sponsor may write to the delegate requesting the bond be refunded and outlining the circumstances that led to the breach. Sponsors should provide evidence to support their claims. For examples, refer to [Circumstances beyond previous visa holder's control](#).

The sponsor's submission should be addressed to:

Department of Immigration and Border Protection
The Manager
Sponsored Family Visitor Processing Centre
GPO BOX 9984
Sydney NSW 2001
Australia
Email: nswsfv@border.gov.au

Lack of awareness of the stay period imposed on a visa is not of itself grounds for refunding a security if the visa holder overstays (breaching condition [8531](#)). It is the visa holder's and the sponsor's responsibility to be aware of the stay period and conditions imposed on the visa, as explained:

- in the visa and sponsorship application forms (1418 and 1149) and
- in the security request letter and
- in the visa grant notification letter sent to the sponsor

If an [FA-600](#) visa holder is granted a *protection visa* after arriving in Australia and so failed to leave prior to their [FA-600](#) visa ceasing (breaching condition [8531](#)), it is departmental policy that any security lodged will be refunded. This policy is consistent with Australia's obligations regarding the treatment of asylum seekers and their families.

Security bonds are not automatically refunded to sponsors whose sponsored visitors are granted protection visas. In such cases, it is the sponsor's responsibility to write to/or email the delegate as per the above address asking that the security be refunded. If the protection visa application is refused, the security is usually forfeited.

If a sponsor requests refund of the security prior to finalisation of their sponsored visitor's protection visas application (or any subsequent applications for merits review or ministerial intervention), they should be advised to wait until such applications have been finalised before seeking a refund.

If it is established that an [FA-600](#) visa holder has breached condition [8101](#) by undertaking work while in Australia, consideration should be given to cancelling the visa. In this situation, the security bond will usually be forfeited, regardless of whether the visa is cancelled. Officers should immediately notify/email [vvb.refund](#) to ensure that the sponsor's security bond is not automatically refunded.

Although there is no limit to the number of times a sponsor may ask that a decision to forfeit a security be reconsidered, unless a repeat request contains new information not previously considered, the decision should not be any different.

Other Sponsored Family stream criteria

Purpose of the visit

As the Sponsored Family stream purpose of visit criterion ([600.231](#)) mirrors that of the Tourist stream, for guidance, refer to [Tourist stream - Purpose of visit](#).

The visit must be genuine

Common criteria [600.211](#) prescribes the genuine temporary stay requirement, for which refer to policy in [The genuine temporary stay requirement](#).

Given the possibly high risk nature of Sponsored Family stream visa applicants, officers are strongly encouraged to consider referring applications of concern to overseas posts for further assessment of bona fides. These referrals should specify the particular integrity concerns that they wish to have investigated.

When considering whether an applicant for a Sponsored Family stream visa genuinely intends to stay temporarily in Australia officers should consider the circumstances of the proposed sponsor only if those circumstances are directly relevant to the applicant's intention. Factors may include whether the sponsor previously sponsored other applicants at the same time of year and for the same length of time as the proposed stay for applicant. Officers should also consider carefully whether the applicant intends to work while in Australia. In this respect, the intentions, assurances and history of a proposed sponsor might be relevant in the process of forming a view of the intentions of the applicant.

Care should be taken not to breach the sponsor's or previous applicant's privacy, especially in any decision record that may be provided to the applicant. If a sponsor has an adverse immigration history, [s65](#) delegates can only refer to information that the applicant has provided with the application or information that would be reasonably known by the applicant. [Section 65](#) delegates should **not** refer to the lodgment of protection visa applications by the sponsor or previously sponsored applicants. As with any safeguard or integrity information, this information can be taken into account to determine the level of scrutiny to apply to the applicant's claims.

Approved Destination Status stream

Background – Group tourism from the PRC

The Approved Destination Status (ADS) scheme is an initiative of the Government of the People's Republic of China (PRC), designed to enable PRC citizens to access streamlined travel to other countries for group tourism purposes.

The objectives of the ADS scheme are to facilitate and promote visitor entry to Australia of PRC citizens participating in tour groups organised by travel agencies approved by the Australian and the PRC authorities. The first ADS tourists arrived in Australia in August 1999.

The ADS scheme is managed by this department in conjunction with Austrade and Tourism (RET) and Tourism Australia.

ADS stream visa arrangements

Entry to Australia under the ADS scheme is facilitated under the ADS stream visa ([600.25](#) refers). ADS visa applicants must meet common criteria, plus additional ADS-specific criteria, as outlined below. Additional conditions are also placed on ADS visas – refer to [ADS visa conditions](#).

ADS agents

Australian agents

All Australian ADS travel agents (known as Inbound Tour Operators (ITOs)) wishing to operate ADS tour groups are approved by the Minister for Tourism. The Austrade website publishes a [list of Approved Australian ADS agents](#) (industry associations).

Applications for registration are open on an ongoing basis. Information about the application process is available on Austrade's webpages:

- [China Approved Destination Status \(ADS\) Scheme](#) and
- [ITO](#).

Approved Australian agents must abide by the ADS Code of Business Standards and Ethics as well as Australian migration law. Failure to do so may result in sanctions, ranging from a warning to a suspension.

The Compliance Monitoring Agency, contracted by Austrade, monitors the compliance of Australian ADS agents with the Code.

PRC agents

The performance of PRC agents is monitored by the department's PRC posts, in consultation with TA, to ensure that the integrity of the ADS scheme is upheld. PRC agents operate under the terms of a Deed of Agreement, which outlines their responsibilities and administrative action they may face for breach of a code of conduct.

As well as the information set out in the Deed of Agreement, departmental staff provide training to PRC ADS agents twice per year and visit individual agents as part of an auditing regime. Agents may be sanctioned by the department for poor administrative practice, absconder incidents or more serious unprofessional conduct. The China National Tourism Administration (CNTA) may also take action against PRC agents.

Approved PRC ADS agents are specified by legislative instrument made under Schedule 1 item [1236\(6\)](#) table item 3. Posts wishing to recommend new PRC agents, registered with CNTA, for approval as an ADS agent should contact this [instruction's owner](#).

PRC agents wishing to become an approved ADS agent should contact their nearest Australian visa office in the PRC, for which contact details are on the department's Office locations – China webpage.

Processing/assessing of ADS stream visa applications

PRC posts receive applications from approved PRC ADS agents via the IDEA “flat file” system. Under policy, these applications should be lodged in groups (of at least 2 persons), together with a [Business Visitor](#) stream application for the tour leader employed by the travel agent.

ADS applications received by PRC posts via the IDEA “flat file” system include all the information required to grant a visa, including the dates of arrival in and departure from Australia and the travel agents (both PRC and Australian).

Posts also receive a print-out of the names, dates of birth and passport numbers of the applicants, as well as photographs of the applicants. Together, this information may be regarded as satisfying item [1236](#) requirements.

Some posts also examine passports of ADS visa applicants as an integrity measure.

From 1 July 2016, online lodgement of FA-600 ADS stream visa will be available to approved PRC ADS agents.

Under the streamlined processing arrangements that apply to ADS applications (that is, generally 2 – 3 day processing), officers are required only to:

- check that all questions have been answered on the application forms and
- perform a MAL check on each applicant and the tour leader.

Provided these checks are satisfactory, officers may without further enquiry regard all Schedule 2 criteria as satisfied and, accordingly, grant and evidence (if required) ADS stream visas for each member of the tour group.

ADS valid application requirements

Refer to [Schedule 1 item 1236 and related requirements](#).

ADS-specific Schedule 2 criteria

ADS applicants must:

- be a PRC citizen ([600.251](#) refers)
- and
- be a resident of an area specified in a legislative instrument made for [600.251](#) purposes (this includes all regions in the PRC but excludes Hong Kong and Macau)
- and
- be travelling to Australia on a tour organised by an approved ADS travel agent ([600.251](#)) (approved agents are specified in by legislative instrument made under Schedule 1 item [1236\(6\)](#) table item 3)
- and
- intend to travel to Australia for the purpose of sightseeing and related activities ([600.253](#))
- and
- provide a written statement of the details of their tour ([600.254](#)).

Under policy, the requirement to provide a written statement should be considered to be satisfied if at least the tour dates and flight details are provided with the visa application lodged by approved ADS agent.

To be granted a visa, the [s65](#) delegate must be satisfied that the tour arrangements have been organised for the purpose of sightseeing and related activities.

ADS visa grant

ADS visa conditions

Conditions [8101](#), [8207](#), [8503](#) and [8530](#) are mandatorily imposed on ADS visas. For further information on these conditions, refer to:

- [Condition 8101 - no work](#)
- [Condition 8207 - no study or training](#)
- [Condition 8503 - no further stay](#)
- [Condition 8530 - must follow itinerary](#).

ADS visa period of stay

Under policy, the visa period of effect is closely linked to the tour arrangements. This means that visas are to be granted for the length of stay in Australia, plus an additional seven days past the last or final date of departure from Australia. The last date of departure may be a transit through Australia from, for example, New Zealand on the way back to China.

ADS visa travel component

Multiple entry visas are appropriate only if the tour involves travel outside Australia, for example a trip to New Zealand between visiting Sydney and Melbourne.

ADS tours

Role of tour leader

A tour leader, representing the approved PRC ADS agent, must accompany each ADS tour group to Australia. This tour leader should hold a Business Visitor stream visa.

Although tour leaders may wish to hold the passports of their tour group for security reasons, it is not a requirement of the ADS scheme.

It is not appropriate for the tour leader to take the role of the local guide (refer to [Role of local guide](#)) while in Australia. This activity constitutes work and would not meet the requirements for grant of a Business Visitor stream visa and would be a breach of condition [8115](#).

Role of local guide

A local guide, representing an approved Australian ADS agent, must also accompany each ADS tour group.

The local guide must ensure the tour group stays together and follows the approved itinerary. The local guide, or their company, must also notify the department of any problems or changes concerning the tour group - this includes the inability of some members of tour group to follow itinerary (for example, due to illness) and absconder incidents (refer to [Notification of absconder incidents](#)).

Sourcing local guides is the responsibility of the Australian ADS agent. Foreign nationals who wish to be employed as a tour guide should be employed under a labour agreement ([UC-457](#)) or other suitable visa.

Optional tour arrangements

PRC tourists travelling under the ADS scheme are required to abide by the approved itinerary at all times and may not deviate from the tour arrangements, as per condition [8530](#). However, two optional components have been introduced which allow tours more flexibility - refer to:

- [Flexible tour arrangements](#) and
- [Free time component in tour arrangements](#).

Flexible tour arrangements

Flexible tours are an optional component and allow agents to provide tour group members with alternative accommodation, dining, sightseeing and places of interest to that received by other tour group members.

All members of the ADS group must:

- be supervised by either the PRC tour leader or an Australian tour guide during daily activities, as outlined in the approved itinerary
- travel on the same domestic and international flights and any separate hotel accommodation must be in the same city.

Free time component in tour arrangements

Free time is an optional component and allows ADS agents to offer a tour group itinerary that provides tour group members with free time to explore at their own pace, to catch up with family or friends in Australia, or to visit attractions not included in a standard itinerary.

For any tour group itinerary that includes a free time component, the usual ADS visa conditions apply, as well as the following conditions:

- the maximum free time allowed in an ADS tour group itinerary is two blocks of up to 12 hours each (for example, an agent may introduce one six hour free time period and one eight hour time period in an itinerary)
- any free time tour arrangements must apply to all tour group members travelling in the tour group. There must be only one itinerary per ADS group.

Other activities

PRC agents may seek to arrange group travel for purposes other than tourism. While there is nothing restricting the PRC agent from arranging the tour, ADS visas are not appropriate for the participants. This is because ADS stream visas can be granted only if the [s65](#) delegate is satisfied that the applicant's travel has been organised for the purpose of sightseeing and related activities ([600.253](#) refers).

[Business visitor activities](#) are not appropriate on an ADS stream visa. Groups wishing to participate in business visitor activities while in Australia should apply for a Business Visitor stream visa. Groups wishing to undertake activities such as visiting schools or universities for enrolment information or investigating real estate should apply for a Tourist stream visa.

It is acceptable for a person to undertake activities such as visiting schools or visiting family if they do so during the free time component of their tour (refer to [Free time component in tour arrangements](#)).

Absconder incidents

Notification of absconder incidents

Australian ADS agents are required to notify RET of any absconder incidents which occur, by emailing an Absconder Incident Report to their ADS mailbox within 48 hours. Once the department receives this information from RET, it is recorded on departmental systems. Australian agents may be sanctioned for failure to report within the timeframe, however, they will not face sanctions for absconder incidents themselves.

The department will also obtain the PRC ADS agent's absconder report. This information is available on request to assist in processing if a protection visa application is made by the absconder.

The department monitors the arrivals and departures of all ADS visa holders and identifies ADS agents that fail to inform the department of any absconder incident.

Dealing with ADS absconders at the counter

There are no restrictions on ADS absconders who seek to regularise their status by making a protection visa application. Any requests to waive the mandatory [8503](#) condition imposed on a visa granted through the ADS scheme should be dealt with in accordance with standard practice and in line with current law and policy.

Officers are not required to contact compliance at this stage, unless there are particular concerns, given that the person is attempting to regularise their status, and will no longer be unlawful.

Sydney officers may wish to consider contacting their Onshore Protection fraud area, particularly if the absconder appears to be represented:

- by a registered migration agent who has not declared their involvement in the application or
- by an unregistered migration agent.

- such information should also be brought to the attention of Migration Agents Policy Section by emailing [Agents Mailbox](#).

If case officers have any concerns/queries, they should email [ADS](#) (the department's ADS Unit).

Action taken against PRC agents for absconder incidents

PRC agents may face sanction action if members of their tour groups abscond while in Australia. The sanction regime for PRC agents is outlined in the Code of Conduct section of the Deed of Agreement.

Any deliberate assistance to a person in absconding from a group by an ADS agent, tour guide, or other employee of a travel agent, would result in removal from the ADS scheme.

Persons who leave the group due to accident or illness

Persons who need to leave an ADS group due to accident or illness are not considered absconders. If incidents occur the local guide should notify RET as soon as possible. The department can then make any necessary arrangements to assist with their visa status if required.

Non ADS tourists travelling with an ADS group

PRC citizens who have been granted a Tourist stream visa and who wish to undertake a tour as part of their trip to Australia may travel with an ADS group. These tour members are not subject to the same visa conditions as the ADS members. The tour leader must be aware of this and explain to the ADS group that these participants have a different visa and while they may be able to leave the group at any time, the other members must comply with their visa conditions.

In groups where some members are ADS stream visa holders and some are Tourist stream visa holders, only the ADS participants are subject to monitoring and the PRC agent is not responsible for any Tourist stream visa holders leaving the group.

Complex visitor visa cases

General Skilled Migration (GSM) applications

Background

The GSM caseload processing times have substantially increased and there is uncertainty on when these applications will be processed. Many applicants have partners and families outside Australia who are not included in their application. Due to the increase in processing times, there are increasing numbers of applicants who would like to leave Australia or have their partner or other family members join them in Australia to await the outcome of their application.

Persons in Australia who have made a GSM application and wish to leave Australia to await the decision on their application should be advised about Bridging B visa (BVB) options (if appropriate) and that the department will facilitate their return on a Tourist stream visa if they are going to be granted a GSM visa.

Persons offshore with an unfinalised onshore GSM application

Persons who have left Australia after applying in Australia for a GSM visa might seek a Tourist stream visa to re-enter Australia if they do not hold a valid BVB.

Departmental policy supports the facilitation of entry on Tourist stream visas for GSM applicants who have been assessed as meeting the GSM criteria and advised that their visa will be granted on re-entering Australia. Refer also to [GSM applicants outside Australia without BVB](#).

GSM visa applicants outside Australia who have **not** been advised that their GSM visa will be granted should **not** be granted an [FA-600](#) visa. Allowing persons in these circumstances to re-enter Australia raises the expectation that the GSM visa will be granted and may lead to a prolonged stay in Australia without a substantive visa.

Persons offshore awaiting outcome of their partner/fiancée's onshore GSM application

In assessing the genuine temporary stay requirement and visa stay/travel period for applications by persons wishing to join a partner in Australia awaiting the outcome of their GSM application, [s65](#) delegates should consider the length of stay requested, the delay in processing the GSM caseload and whether the applicant is likely to return to their home country. Careful consideration should be given to whether the applicant is seeking to establish de facto residence.

Departmental policy does not support the grant of a long stay Tourist stream visa in these circumstances, but short stays may be appropriate. Allowing persons in these circumstances to stay in Australia for an extended period raises the expectation that their partner's GSM visa will be granted and may lead to a prolonged stay in Australia without a substantive visa.

Seeking a visitor visa onshore prior to making an onshore GSM application

If the primary purpose of seeking a visitor visa is to extend the stay in Australia while awaiting the results of examinations or the assessment of qualifications, policy does not support the issuing of a visitor visa. This raises concerns as it is may not be considered as meeting the genuine temporary stay requirement.

GSM applicants outside Australia without BVB

On application, a Tourist stream visa may be granted in the follow situations if there are compassionate circumstances:

- the holder of a BVB left Australia and the travel component has ceased
- the holder of a BVA left Australia with the intention of returning (for example, policy would support a Tourist stream visa being granted in circumstances where the holder of a BVA has left Australia urgently for a family tragedy and did not obtain a BVB).

GSM applicants should be counselled that if they apply outside Australia for an ETA or eVisitor, the stay period is three months, and on arrival in immigration clearance they might be referred off-line for interview by an immigration officer.

Persons granted a Tourist stream visa should be counselled that if they are granted a BV with work rights they cannot work until the Tourist stream visa has ceased, because they are still subject to the conditions on that visa.

Policy recommends the grant of a Tourist stream visa for these applicants. The visa period should be long enough to allow the holder to travel to and re-enter Australia and to go to the nearest departmental office as soon as reasonably practicable. A visa period of two weeks is suggested unless reasons for variation are provided by

the applicant. It is essential that the person visit a departmental office to apply for a bridging visa to replace their ceased bridging visa prior to their Tourist stream visa ceasing.

Condition [8503](#) should **not** be imposed on the Tourist stream visa granted to applicants in this situation.

For further advice on these cases, email [Visitor Policy](#). For further advice on bridging visas, refer to the relevant instruction:

- [PAM3: Sch2Visa010 - Bridging A](#)
- [PAM3: Sch2Visa020 - Bridging B](#)
- [PAM3: Sch2Visa030 - Bridging C](#).

Ex-temporary residents/future skilled applicants

Students in Australia who wish to stay and travel

Section [65](#) delegates should take a flexible approach to Tourist stream visa applications made by Student visa holders who have completed their studies and wish to travel around Australia. A visa of up to 6 months (and more if appropriate) can be granted if the applicant:

- does not have an [8534/8535](#) condition on their current visa and
- meets the usual criteria for grant of a Tourist stream visa and
- is not intending to commence a registered course of study and
- is not intending to continue or complete a registered course in which the applicant is enrolled.

In assessing such applications, case officers should consider whether the applicant:

- has adequate funds to travel, as they cannot work on a Tourist stream visa
- has complied with the conditions of their Student visa and
- meets the genuine temporary stay requirement. A relevant consideration may be if the applicant has been studying full-time for several years, since entering Australia, with little opportunity to engage in tourism activities.

If an extended period is requested and a case officer has concerns that the person may not meet the genuine temporary stay criterion, the case officer should email [Visitor Policy](#) for advice.

Note: Under policy, an [FA-600](#) visa may be granted in Australia if the applicant is not engaging in further study but seeks to remain in Australia to:

- attend a graduation ceremony
- re-sit failed exams/tests (not including an English language test) or
- finalise written assignments/thesis from their final semester of study on a Student visa (that is, if they are no longer enrolled).

If a former student is granted a visitor visa, it is important that they understand that they no longer have work rights (unless work rights have been granted due to compelling and compassionate circumstances).

457 holders who wish to stay in Australia and travel

A similar approach should be taken in relation to [457](#) visa holders who may wish to stay in Australia for a short period for tourism purposes once their contract finishes. However, [457](#) visa holders applying for a Tourist stream visa to allow them to seek other work in Australia will generally not meet the genuine temporary stay requirement.

Student visa holders who wish to apply for GSM

Student visa holders who:

- apply for a Tourist stream visa for tourism purposes after they have completed their studies but
- are intending to later apply for a GSM visa

should be counselled that:

- if granted, the Tourism stream visa will be subject to condition [8101](#) (that is, no work, **not** the 8105 work limitation that is imposed on most Student visas) which is mandatory on all Tourist stream visas
- they have only 6 months following the completion of their studies in which to apply for a GSM visa.

Applicants who wish to work in Australia would need to apply for an appropriate visa and/or leave Australia before applying for a GSM visa.

UC-457 visa application under assessment

Applications for a Tourist stream visa from [UC-457](#) visa applicants seeking to come to Australia to await the outcome of their [UC-457](#) application will generally not meet the genuine temporary stay requirement. Some applicants may wish to start work on the Tourist stream visa, while others are merely planning to, for example, arrange accommodation, before having their [UC-457](#) granted and begin working.

Departmental policy does not support the grant of a visitor visa in these circumstances, given that:

- applicants coming to Australia to await the assessment of another visa will generally not meet the 'genuine temporary stay' requirement - the primary criterion for grant of a visitor visa and
- beginning work with the [457](#) sponsor would be a breach of visitor visa condition [8101](#) or Business Visitor stream visa condition [8115](#) and
- in most cases, the health check element of the [UC-457](#) visa application would not have been assessed and
- expectation might arise that a [UC-457](#) visa will be granted.

When dealing with an applicant with extenuating circumstances for entering Australia before their [UC-457](#) visa application is finalised, before directing an applicant down the visitor pathway [s65](#) delegates should seek advice by emailing:

- [Visitor Policy](#) or
- [457 Policy](#).

Booking flights in advance of a [UC-457](#) visa being granted is **not** considered to be an extenuating circumstance in which entering Australia on a visitor visa to await an outcome on their [UC-457](#) application would be considered.

In a partner relationship with an Australian citizen/resident

Overview

Section [65](#) delegates are encouraged to take a fair and reasonable approach where the applicant is involved in a partner relationship with an Australian citizen or permanent resident. A range of factors should be taken into consideration before deciding that such a relationship creates a strong incentive not to leave Australia.

Partner visa application made outside Australia

If a visitor visa applicant is the partner of an Australia citizen or permanent resident and has followed standard migration procedures by making a Partner visa migration application outside Australia, [s65](#) delegates should facilitate short visits by the visa applicant to Australia, particularly if any of the following six scenarios apply:

- the applicant is e600, eVisitor or ETA eligible or
- the couple have been together for a significant period or
- the couple are well established in their home away from Australia or
- there are no concerns about the genuineness of the relationship or the validity of the marriage or

- the applicant wishes to travel to Australia for a short visit for a special occasion or
- there are compelling circumstances that justify the granting of a visitor visa (for example, family member of Australian partner seriously ill) or it would be in the best interests of a child to do so.

Section [65](#) delegates must still be satisfied, however, that the applicant meets the genuine temporary stay requirement.

It is open to the [s65](#) delegate to impose an [8503](#) if residual concerns exist and they are concerned that the applicant may try to change their immigration status in Australia without compelling reasons to do so. It is, however, **unlikely** that condition [8503](#) would be necessary in such cases, given that the applicant has been upfront and, having already made a permanent visa application outside Australia, is unlikely to apply in Australia and pay a second VAC. For policy and procedure, refer to [PAM3: Sch8/8503 – “No further stay” condition 8503](#).

Departmental policy does **not** support delaying decisions on [FA-600](#) applications pending the outcome of a Partner visa application. Case officers should, however, ensure that, if an [FA-600](#) visa is granted, the holder is made aware that, if they later satisfy criteria for grant of the [UF-309](#) visa, they will be need to be outside Australia for the [UF-309](#) visa to be granted.

No permanent visa application made

Similar factors, as listed above, should be taken into account if an [FA-600](#) visa applicant is in a relationship with an Australia citizen, or permanent resident and eventually may intend to reside permanently in Australia, but has not yet made a final decision to do so and/or made a permanent visa application outside Australia. The possible eventual intention of the applicant to stay permanently in Australia should not be considered grounds to refuse an [FA-600](#) visa. Section [65](#) delegates should consider the applicant’s current intentions and whether the applicant is attempting to circumvent proper migration channels.

For example, if an applicant seeks to travel to Australia to meet future parents in law and determine whether they wish to live in Australia with their partner, but has a history of abiding by visa conditions and will be returning home to complete a university degree prior to making a Partner visa application there may be no concerns about the genuine nature of the visit.

Section [65](#) delegates may consider imposing an [8503](#) if they have residual concerns about the applicant’s intentions, but this should not be a default setting.

Refer also to [Intention to make a further application in Australia](#).

Cases where pregnancy involved

Refer to [Pregnant visa applicants](#).

De facto relationships

The fact that an applicant may be seeking to extend their stay in Australia to enable them to meet the regulation [2.03A\(3\)](#) duration of relationship criterion for a Partner visa is not in itself a reason to refuse to grant a Tourist stream visa.

In such case, officers should consider whether the applicant meets the genuine temporary stay requirement and/or whether the applicant is likely to abide by visa conditions. For example, if the [s65](#) delegate is satisfied that the applicant will not work in Australia and will abide by their visa conditions, it may be appropriate for a visa to be granted. Each case must be treated on its own merits.

Parents of Australian residents

Scope

This section deals with visitor visa applications made by parents, typically retired, who wish to visit their Australian citizen or permanent resident children/grand-children in Australia. (For information about parents wishing to visit children studying in Australia on Student visas, refer to [Parents of students](#).)

The parent visitor policy outlined in this part do not apply:

- to parents of a minor who is an Australian citizen or permanent resident. Such parents may have particular incentives to remain in Australia and their intentions and ability to support themselves without working need careful consideration

or

- to a parent in a partner relationship with an Australian citizen; refer instead to [In a partner relationship with an Australian citizen/resident](#).

Background

The current parent capping arrangements in the family stream of the migration program mean that parents outside Australia are likely to wait many years before they can be granted a visa to migrate - particularly if they chose not to apply for a Contributory Parent visa.

Parents of Australian citizens and permanent residents with queued migration applications could thus face longer periods of separation from their children in Australia if they are denied the opportunity to visit them while their application remains queued.

Such considerations must, however, be balanced against the need to mitigate the possible impact on taxpayer-funded health and welfare expenditure arising from increased numbers of visiting parents whose health may be of special significance, particularly if they are over 75. It is also noteworthy that persons who are resident in Australia are counted in the Net Overseas Migration figure, which impacts on migration planning levels. To mitigate against these impacts, conditions [8558](#), [8501](#) and [8503](#) should be attached to longer stay/travel period Tourist stream visas granted under the arrangements discussed in [Applicants in the parent migration queue](#).

Applicants in the parent migration queue

In the context of the above background, when deciding a visitor visa application made by a person with a queued parent migration application, under policy the existence of a permanent migration application and, if follows, an obvious intention to eventually reside permanently in Australia are not grounds to find that the applicant does not meet the genuine temporary stay requirement.

Instead, officers should regard permanent migration as a longer-term intention and, in assessing visitor visa applications from parents, when assessing the genuine temporary stay requirement focus on the parent's short-term intentions.

Officers are encouraged to consider granting applicants outside Australia who are in the parent queue a Tourist stream visa with 5 year travel period, 12 month stay and multiple entry so that the parent can visit their family for longer periods on regular occasions (refer also to [FA-600 stay periods](#)).

These applicants should be counselled, however, that conditions [8558](#), [8501](#) and [8503](#) will be imposed on their visa.

Other parents

Officers should also take a flexible approach to visitor visa applications made outside Australia by parents of settled Australian citizens; permanent residents; and eligible New Zealand citizens in circumstances where the parents have not yet applied for, or do not intend to apply for, parent migration.

Officers are encouraged to consider granting parents who have a history of compliant travel to Australia a Tourist stream visa with 3 year travel period, 12 month stay and multiple entry so that the parent can visit their family for longer periods on regular occasions (refer also to [FA-600 stay periods](#)).

The nature of compliant travel is discussed in [Compliant travel](#).

As with queued parents, however, these applicants should be counselled that conditions [8558](#), [8501](#) and [8503](#) will be imposed on their visa.

Officers should consider granting a Tourist stream visa with 18 month travel period and 12 month stay to parents who do not have a history of compliant travel to Australia (due to no previous travel history). This provides an opportunity to make regular visits and demonstrate compliance with visa conditions. As in all cases, the applicant would still need to meet the genuine temporary stay requirement and any other relevant requirements. The stay and/or travel period should be reduced if the [s65](#) delegate has concerns about the applicant's intentions and a shorter visa stay/travel period would address those concerns. If the [s65](#) delegate is not satisfied the applicant intends a genuine temporary stay, the visa must be refused.

De facto residence

Under policy, for parents who are in Australia, "de facto residence" is considered to be more than 12 months in an 18 month period. It is expected that parents spend no more than this amount of time in Australia but that, if this occurs, they should leave Australia and wait 6 months outside Australia before seeking to re-enter Australia.

Each case must be considered on its merits, however, and each person's individual circumstances must be taken into account when a decision is made.

Compliant travel

When determining whether an applicant has a history of compliant travel an assessment of the full circumstances of the applicant's travel history should be made. A person may have demonstrated non-compliant travel in the past but their recent travel history may suggest future compliance. In addition the reason for previous non-compliant travel should be considered. In some cases the non-compliance may have been as the result of a misunderstanding or unintentional omission. If this is the case the non-compliance may attract lesser weight in considering whether the applicant intends a genuine temporary stay.

Applications by step-parents

Step-parents wishing to visit step-children in Australia should be assessed in the same way as parents, as described in previous sections.

A step-parent is the parent of a child who is not their child but the child of their spouse or de facto partner. This applies regardless of whether the step-parent is travelling without the child's parent. However, the [s65](#) delegate should be satisfied that the step-parent genuinely intends to visit their step-child and will comply with their visa conditions.

Former step-parents (that is, where they are no longer in a relationship with the parent) need to be considered under general visitor visa policy and not that related to parents specifically.

Applications by parents already in Australia

The above guidance regarding longer stay/travel period visas does **not** apply to parents who are already in Australia. Parents who are in Australia may apply for a longer stay/travel period visa once they leave Australia. Parents who have already spent 12 of the last 18 months in Australia would generally be expected to leave Australia and wait 6 months before being granted (on application and if eligible) another Tourist stream visa and returning to Australia. This manages the risk of their seeking to establish de facto residence and is consistent with condition [8558](#), which applies to longer stay/travel period Tourist stream visas.

Applications made by dependants of parents

If dependants have been included in a Parent visa application and a long stay/travel period Tourist stream visa is being sought by the dependant to accompany the parents to Australia, subject to the dependency been assessed as genuine, a visa with the same attributes as the parents' visa may be granted.

If the dependant is seeking to travel alone they should be assessed as per usual visitor visa policy. The fact that they are seeking to travel alone may raise questions about the genuine nature of the dependency and a close examination of the dependency for the purposes of the Parent visa application would be required.

Parents of students

Applicants wishing to stay in Australia for extended periods to visit/look after children on Student visas in Australia, should be counselled that a Student Guardian visa ([TU-590](#)), if available, is appropriate for extended stays in Australia. Refer to [PAM3: Sch2Visa590 – Student Guardian](#).

As only one parent can be granted a Student Guardian visa, the other parent may wish to visit regularly for short periods to spend time with their child and partner. This should be facilitated, where possible and if consistent with the genuine temporary stay requirement.

Officers overseas may also receive visitor visa applications from parents who wish to visit their children in Australia but:

- their child's visa has expired and they are currently unlawful
- their child's visa has been cancelled, they hold a bridging visa and intend to appeal the decision
- their child has been issued a Student non-compliance notice, but this has not been finalised.

Such cases will need to be decided on their individual merits. In each case, the parents clearly have a valid case to visit, and it may be in the best interests of their child that they do. Section [65](#) delegates must, however, be satisfied that in the particular circumstances the parent intends a genuine temporary stay.

Cases where the child is now unlawful should be considered particularly carefully. However, there may be cases where visa grant is still appropriate (for example, low risk applicant with a regular travel history of compliance, only one parent travelling).

Family members of expatriates

Overview

Family members of expatriates who are employed in remote localities near but outside Australia could face long periods of separation from the expatriate if visitor visa policy is applied inflexibly. Travel arrangements for family members who fit into this category and do not intend to work while in Australia should be facilitated, where possible, via the visitor visa program.

Assessing applications made by the family members of expatriates

Family members of expatriates must still meet the usual criteria for a Tourist stream visa. If possible such applicants should be granted a visa enabling them to stay in Australia for the period that their partner will be in the remote locality. The period of stay granted should be consistent with the period for which their partner is contracted to work in the remote locality, plus any additional time if seeking to holiday in Australia at the end of the contract.

If this period is 12 months or more, where possible a 12 months stay visa should be granted without an [8503](#) condition imposed. If officers believe an [8503](#) condition is warranted, they should first email [Visitor Policy](#).

School-aged dependent children of expatriates who stay in Australia for an extended period should consider applying for a Student visa. The accompanying parent may also wish to consider applying for a Student Guardian (TU-590) visa.

Minors

Overview

Visitor visa cases involving children must be handled sensitively to ensure that their interests are protected and that Australia meets its international obligations in relation to children. Particular care should be taken where:

- a child is travelling to Australia without parental supervision (especially if under the age of 14)
- there is a history of unresolved custody issues and/or concerns have been raised that one parent did not freely consent to a child travelling
- Australian citizens or permanent residents wish to bring a child from a developing nation to Australia for a holiday (particularly where there may be an intention to adopt the child in the longer term, and adoption proceedings have not yet been finalised) or
- allegations of child abuse or paedophilia have been received.

Children born in Australia to visitor visa holders

Under [s78](#) of the Act, a child born in Australia is taken to have been granted the same visa held by their parents.

Children born outside Australia to certain permanent visa applicants

Persons who have applied in Australia for a permanent visa may wish to return to their country of origin to give birth. If a child is born to a person who has an unresolved visa application, the effect of regulation [2.08](#) is that the child is taken to have applied for the same visa class as the parent(s). (This is the case whether the child is born in or outside Australia.)

Children in this situation do not, however, have a bridging visa associated with the permanent migration application and should wait outside Australia until the permanent visa is ready for grant, at which time the child can be facilitated on a Tourist stream visa. Applicants wishing to give birth outside Australia should ensure that they have a valid BVB to allow their re-entry to Australia.

Note: As part of their parent's visa application, and prior to the parent being granted their permanent visa, for "one fails, all fails" criteria purposes, the child will have to satisfy relevant health criteria.

Further information

For information on additional criteria to be met by minors who apply for a visitor visa, refer to [If the applicant is a minor](#). In difficult cases, officers are encouraged to email [Visitor Policy](#).

Officers should email [Family Policy](#) for advice if there are significant custody issues involved or the application involves children who are the subject of an overseas adoption process.

Non-dependent children of diplomats

Non-dependent children of diplomats may wish to travel to Australia on a Tourist stream visa to visit their parents. Where possible this should be facilitated, and without imposing an [8503](#) condition. If satisfied that the applicant will comply with their visa conditions, a longer visa period may be granted.

Au pairs

[FA-600](#) visa holders cannot undertake au pair work (that is, provide nanny services to Australian families for a fee). This is because of condition [8101](#) or [8115](#).

In general it is expected that such job opportunities be offered to Australian residents. There are only limited provisions for non-resident unskilled workers to work in Australia.

Young people wishing to undertake au pair work can, however, be directed towards the Working Holiday ([TZ-417](#)) visa or, if applicable, the Work and Holiday ([US-462](#)) visa. Employers of these visa holders are expected to meet all Australian workplace law requirements.

Volunteer workers

Overview

Voluntary work tourism schemes are a popular option in the tourism industry in Australia. They offer visitors a valuable insight into Australia and meet the needs of a growing niche market in the tourism industry.

Several organisations promote opportunities for tourists to visit Australia to undertake voluntary work activities in return for board, accommodation or reimbursement of basic out-of-pocket expenses.

Some of the organisations involved include:

- Willing Workers on Organic Farms (WWOOF)
- Australian Trust for Conservation Volunteers
- Student Uni Travel, Involvement Volunteers
- International Educational Programs
- International Volunteers for Peace
- Indigenous Community Volunteers

In some cases, participants in these schemes actually pay to take part and/or cover their own living expenses. Typically, the sort of work undertaken is conservation or farm-related and offers tourists a different perspective on life in Australia from that experienced by more conventional tourists.

Note: Some organisations, such as WWOOF, have a mix of both commercial and non-commercial members. An [FA-600](#) visa holder must not volunteer in a commercial organisation that relies on volunteers as a source of labour. The main benefit of the voluntary work should be to the visa holder, not to the organisation.

This discussion of voluntary work does not include unpaid work experience and/or internships.

Definition of volunteer

A volunteer role is defined in regulation [2.57\(5\)](#) as a role where:

- the person will not receive remuneration for performing the duties of the position, other than the following:
 - reimbursement for reasonable expenses incurred by the person in performing the duties
 - prize money and
- the duties would not otherwise be carried out by an Australian citizen or an Australian permanent resident in return for wages.

Under policy, a person wishing to undertake voluntary work may do so on a Tourist stream visa, but only if:

- the main purpose of the voluntary work is tourism
- the work would not otherwise be undertaken in return for wages by an Australian resident (that is, it is a designated volunteer role)
- the main benefit of the voluntary work is not to a commercial organisation
- is genuinely voluntary (for example, no financial payment is received - board and lodging acceptable) and
- the voluntary work is short term (generally 3 months)
- is of benefit to the community

It is expected that normal volunteer roles would be in not-for-profit organisations as commercial organisations do not generally have designated volunteer roles.

These limitations are consistent with the mandatory [8101](#) “no work” condition that applies to all Tourist stream visas and help ensure that the integrity of the visitor visa program is maintained.

For advice in difficult cases, officers can email [Visitor Policy](#).

Sports persons

The GB-401 Sports stream visa is available for certain persons who wish to travel to Australia to compete in a sporting season or a series of events in Australia over a substantial duration. To be eligible for the GB-401 visa, applicants must be sponsored and nominated by an approved long stay activity sponsor. For policy and procedure, refer to PAM3: Sch2Visa401 – Temporary Stay (Long Stay Activity).

A Working Holiday visa ([TZ-417](#)) or a Work and Holiday visa ([US-462](#)) may also be appropriate for persons 18 to 30 years old who wish to be employed in the field of sport for up to 6 months with the same employer, provided there is an agreement in place with the applicant’s home country – for more information, refer to:

- [PAM3: Sch2Visa417 - Working Holiday](#)
- [PAM3: Sch2Visa462 – Work and Holiday](#).

An [FA-600](#) visa may, however, be appropriate for shorter stays in Australia for sporting purposes. Generally, if the applicant is a professional sports person, a Short Stay Activity ([GA-400](#)) visa is the most appropriate visa.

Generally, if the applicant is an **amateur**, any of:

- a Tourist stream visa
- an eVisitor ([TV-651](#)) or
- an ETA ([UD-601](#)), if eligible (refer to [PAM3: Sch2Visa601](#))

is appropriate if:

- the applicant is coming to Australia to engage in specialist training of 3 months or less and play sport or
- the applicant wishes to stay in Australia for a short period prior to a tournament for a holiday and/or to play in amateur level matches/train.

A [GA-400](#) Temporary Work (Short Stay Activity) visa may be more appropriate for amateurs participating in a tournament with prize money (an amount that could be considered a salary).

Generally, Tourist stream visas are also suitable for volunteer support staff such as coaches, sports co-ordinators, score bench officials, team officials, referees and time keepers where the activity is not the person’s usual occupation, for example, the coach of an amateur team (sometimes a family member of one of the participants) whose usual occupation is unrelated to the sporting activity. Family members of amateur competitors, spectators and persons undertaking sports training should also apply for a Tourist stream visa.

Examples of situations where Business Visitor or Tourist stream visas would **not** be appropriate include where the applicant:

- is a sports coach who will be undertaking paid work in Australia or
- wishes to be employed in the field of sport or
- is a professional player being remunerated or
- wants to undergo sports training for more than 3 months (this cohort should apply for the GC-402 Occupational Trainee stream visa).

Under policy, activities involving a degree of skill - such as chess and darts - are recognised as sports. Activities based mainly on “chance” - for example, gambling activities and board games such as monopoly - are generally

not treated as sports but are considered hobbies/pastimes. However, the terms of the activity provide guidance about the commerciality of the arrangement.

Performers

Consistent with advice about amateur sportspeople, amateur performers can apply for a visitor visa – whether Tourist stream, eVisitor ([TV-651](#)) or ETA [UD-601](#)) - if they:

- are coming to Australia to perform at an amateur level for three months or less
- will not receive remuneration and
- perform mainly on a recreational basis in their home country and not for the purpose of deriving an income.

A visitor visa is not appropriate for professional performers who are coming to Australia to perform, either in a paid or unpaid capacity, in a non-profit event. These professionals should apply for the GE-420 Temporary Work (Entertainment) visa.

Academics and university exchange students

Generally, the GC-402 Research stream visa is the most appropriate visa for academics wishing to visit Australia to collaborate on an Australian research project. Academics seeking to undertake research, guest lecture or any other type of work for a higher education institution on a short-term non-ongoing basis may be eligible for a [GA-400](#) visa.

University exchange students wishing to undertake training related to their overseas studies may be eligible for the GC-402 Occupational Trainee stream.

A visitor visa may be appropriate for academics and university exchange students seeking to enter Australia to undertake as part of their overseas course, and for up to 3 months, research or study at an Australian institution. These applicants may be unable to obtain a Student (that is, Class TU) visa unless they are actually enrolled in a CRICOS-registered course.

Note: A visitor visa is **not** appropriate for academics intending to undertake an activity that would normally be considered work, such as lecturing or research (unless it is part of an overseas tertiary course).

Persons seeking paid employment in Australia

Work is not permitted in the visitor visa framework except as defined in the definition of [business visitor activity](#) - refer to [Business Visitor stream](#). Persons seeking to engage in paid employment in Australia should apply for a [GA-400](#) or [UC-457](#) visa, or another appropriate class of visa.

Applicants who seek to enter Australia to undertake an interview may utilise a Business Visitor stream visa or autogrant equivalent. However, work placements or try-outs are **not** permitted on a Business Visitor stream visa.

Maritime activities in Australian waters

Background

In recent years, there has been a large increase in vessels operating in Australian waters with non-Australian crew. The issue of the visa status of non-Australian crew operating in and around Australia is highly complex.

Foreign crew of non-military ships entering and leaving Australia in the course of an international voyage may be eligible for a Maritime Crew visa.

Case officers may, however, receive queries about the applicability of visitor visas to crew members on vessels which intend to remain or operate in Australia. In most cases, a visitor visa will not be appropriate and skilled

workers who remain working on a vessel within the migration zone should consider applying for a [UC-457](#) visa or a Superyacht Crew (UW-488) visa.

[FA-600](#) Business Visitor stream visas may, however, be appropriate in the limited cases outlined in Maritime Crew visa (MCV) cases.

Ships operating within the migration zone

A Business Visitor stream visa may be appropriate for applicants seeking short-term entry to Australia for business purposes such as meetings, site visits and training.

Applicants seeking to stay on a private yacht in Australia for tourism purposes may wish to apply for a Tourist stream visa, or an e-Visitor ([TV-651](#)) or ETA ([UD-601](#)) visa:

- this includes general staff (for example, deck hands, domestic workers, sailors) travelling with the yacht in and out of the migration zone but these visas do not permit work in the migration zone
- it does not include employees undertaking fit-out work on the boat moored at an Australian port (a [UC-457](#) or [GA-400](#) visa should be obtained for such a purpose).

Maritime Crew visa (MCV) cases

As noted above, the MCV is available to the foreign crew of non-military ships. An MCV:

- has a 3 year travel component
- is not generally valid for air travel to Australia
- is able to co-exist with other substantive visas to facilitate entry to Australia by air in order to join a ship docked in Australia. Consequently, it will remain in the background and show as being “out of effect” if the holder is granted a [TX-773](#) Transit visa or a visitor visa to travel to Australia to join their vessel. It will come back into effect when the other substantive visa ceases.

Nevertheless, MCVs are generally have a stay period of only 5 days after arrival in Australia unless another type of visa is granted, or the holder leaves Australia or signs onto their vessel. Consequently, there may be circumstances where crew apply for a visitor visa to remain lawfully in Australia if the arrival of their ship is genuinely delayed. This should be facilitated where possible.

For further advice, email

- [Seaports](#) or
- [Visitor Policy](#).

Ships operating outside the migration zone

Persons who are working aboard a vessel outside of Australia’s migration zone do not require a work visa. They will, however, require a transit visa, or an appropriate visitor visa, to enter Australia in order to get to an area to travel to their place of work.

A Business Visitor stream visa may be appropriate for applicants transiting Australia to join a vessel to undertake work, including seismic exploration, where all work is undertaken outside the migration zone.

Persons working in Australia’s offshore oil and gas industry

Refer to [PAM3: Act – Offshore resources activities – s9A of the Act and related provisions](#).

For further advice and guidance in specific cases, email [Specialist Entry](#).

Joint Petroleum Development Area

The Bayan-Undan oil and gas field within the Joint Petroleum Development area (JPDA) between Australia and East Timor is an important infrastructural development project for northern Australia. Under the Timor Sea Treaty, the JPDA is outside the migration zone.

It has been agreed that those who work solely within the JPDA do not require Australian visas. Persons transiting Australia to work solely within the JPDA should apply for a Transit (TX-771) visa or an appropriate visitor visa.

Photographers/writers/journalists

A Tourist stream visa may be appropriate for freelance photographers/writers or journalists who wish to travel to Australia for up to 12 months to travel around Australia, research and write, provided they do not intend to sell their work in Australia during this visit. Such applicants are not taking employment opportunities away from Australians and often help publicise Australian tourism destinations back in their home country.

Complex health issues

Tourist stream visa applicants in Australia who are terminally ill

Applicants who:

- have been referred to a migration medical services provider for health assessment and
- have been asked to undergo additional health assessments due to having a terminal or serious illness/health impairment

should be:

- asked to provide a **treatment plan** from their treating doctor and
- given the opportunity to withdraw their Tourist stream visa application and apply for a Medical Treatment ([UB-602](#)) visa if they are eligible (that is, if they still hold a substantive visa, or it has been less than 28 days since the substantive visa ceased).

If an applicant is eligible for a Medical Treatment visa but refuses to apply for it, officers should consider refusing the Tourist stream visa application and guiding the person down the Bridging E visa path.

In high profile or sensitive cases, further departmental advice may be sought by emailing:

- [Health](#) and
- [Visitor Policy](#).

Tourist stream visa applicants who fail to undertake health assessments

Under policy, a Tourist stream visa applicant who has failed to undergo the requested health examinations (either the aged applicant health assessment medical and/or chest x-ray examination) should be refused the visa on the grounds of failing to satisfy the health PIC.

Under policy, officers are not required, prior to refusal, to have applicants undertake a full medical.

Pregnant visa applicants

A Medical Treatment visa ([UB-602](#)) is the preferred option for applicants whose primary intention in visiting Australia is to give birth - refer to [PAM3: Sch2Visa 602 – Medical Treatment](#).

In line with the health matrix, pregnant visa applicants who are not intending to give birth in Australia and are not intending to study or work as a doctor, dentist, nurse or child care worker will generally not be required to undergo any health assessment.

In relation to applicants who are intending to give birth in Australia, refer to [PAM3: Sch4/4005-4007 - Complex cases - 37 - Pregnant visa applicants](#).

In difficult cases, email [Health](#) for advice.

Extension of stay to study

In general, if the intention of an applicant for a further Tourist stream visa in Australia is to undertake a 3 month course, officers should take into consideration the previous amount of time spent in Australia, the activities of the applicant while in Australia (particularly previous study), and the likelihood of an attempt to circumvent a reason to stay in Australia. The intention to study is not in itself reason to refuse a visa.

Departmental policy does not support the grant of a visitor visa if the application is for the purpose of awaiting the results of examinations or the assessment of qualifications.

If the applicant is in Australia and is the holder (or has been the holder) of a Student visa since last entering Australia, Tourist stream criteria cannot be met if the further visa is sought for the purpose of commencing, continuing or completing any studies or training.

Court appearances

A Tourist stream visa is suitable for applicants wishing to enter Australia or extend their stay in Australia for a court case provided:

- it is a one-off court date and
- the date is confirmed and
- all other bona fides visa criteria are satisfied.

Of concern, however, are court cases that:

- are yet to be lodged or
- are newly-lodged or
- have no end date

- this is because, for an [FA-600](#) visas, [s65](#) delegates must be satisfied that a genuine temporary visit is intended, which may be difficult in protracted legal matters where the applicant cannot establish when the matter will be finalised.

In these instances, a criminal justice visa (CJV) **might** be the more appropriate visa but officers should first refer to [PAM3: Act – Act-based visas – Criminal justice](#) visas for information regarding CJV eligibility.

Arrangements for overseas trained doctors and nurses

Bridging programs

Doctors and nurses who do not have the qualifications to work in their professions in Australia can undertake a bridging program to gain registration with the relevant Australian medical authority. A Business Visitor stream visa is appropriate for doctors and nurses to undertake an approved bridging or pre-registration program for 3 months or less and for doctors to do their medical board examination.

Nurses

English requirements

If a nurse applies for a visitor visa to enter Australia for these bridging programs and the intention is to apply in Australia to undertake the bridging program, [s65](#) delegates should seek to determine if the nurse has the requisite IELTS results in terms of score and the actual stream (academic module). Briefly:

- The Australian Health Practitioner Registration Agency (AHPRA)'s [Overseas Practitioners webpage](#) states that internationally qualified applicants who did not complete their secondary education in English must demonstrate that they have the necessary English language skills for registration purposes.
- There are specific requirements for the Nursing and Midwifery professions as outlined on the [Overseas Practitioners webpage](#).

(Note: Prior to 19 September 2011, applicants for nursing registration were able to demonstrate their level of English by other prescribed evidence. Officers might still receive applications from nurses who were invited before 19 September 2011 to undertake the bridging course and so may not have an IELTS score of 7. These applicants are still able to provide other prescribed evidence to determine their English language skills.)

Post-bridging program registration

AHPRA's finalising of nursing registration for bridging course applicants usually takes 2 to 4 weeks (noting that applicants for registration have been invited to undertake the bridging course as the last stage of their registration).

If there are significant delays, AHPRA can approve registration without the nurse being in Australia (so and any further visa application can be made from outside Australia). If the nurse is outside Australia at the time the registration is approved, AHPRA sends them a letter of eligibility (valid for 12 months) that outlines the steps for the nurse to finalise their registration once they are in Australia.

Further stay in Australia

In some circumstances a doctor or nurse may be obliged to extend their stay in Australia to undertake further registration related study or examinations or due to delays from the registration body. Although a Business Visitor stream visa remains the most appropriate visa stream for this purpose, a Tourist stream visa may prove a more convenient visa alternative as the holder does not have to leave Australia and re-enter after 3 months as would be necessary if they held a Business Visitor stream visa. Officers should consider favourable visa application by doctors and nurses who, because of circumstances beyond their control, may be required to extend their stay in Australia to undertake further registration related study or examinations. Generally a 3 month stay Tourist stream visa would be considered suitable.

A long stay Tourist stream visa is not suitable for looking for work or where there are delays of more than 3 months associated with registration. Claims of an extended holiday after completing a bridging course should be carefully scrutinised, particularly in regard to having sufficient funds.

Given the current significant shortage of doctors and nurses in Australia, officers should facilitate so that those who successfully complete the course may be able to apply for a [457](#) visa in Australia. Consequently, condition [8503](#) should generally not be imposed on Business Visitor stream or Tourist stream visas granted for the purpose of undertaking a medical bridging course or meeting registration requirements as a medical professional. If a waiver request for condition [8503](#) is received from a doctor or nurse, it should not be automatically waived because of an applicant's profession. The applicant must meet the regulatory requirements for waiver.

For policy and procedure on arrangements for nursing students trained in Australia refer to [Potential GSM applicants](#).

Potential GSM applicants

Given the current shortage of nurses in Australia, alternate arrangements are in place for nursing students. Nursing students on student visas may need to extend their stay in Australia due to delays from the nursing registration body, as they are unable to make an application for skilled migration without registration. In these circumstances a Tourist stream visa for a short period (generally 3 months) is suitable. A long stay Tourist stream visa is not suitable for looking for work or where there are delays of more than 3 months associated with registration.

Processing of nursing registration by the AHPRA of nursing graduates in Australia can take up to 90 days (allowing for delays in providing documentation). Officers should consider the time elapsed since the

completion of an applicant's qualification as students only have 6 months in which to apply for a skilled migration visa.

Officers should counsel applicants in this situation that unlike a Student visa, a Tourist stream visa has condition [8101](#) and no work is permitted. Generally, condition [8503](#) should not be imposed on a Tourist stream visa granted in this situation.

For policy and procedure regarding doctors and nurses trained overseas wishing to gain registration in Australia, refer to [Arrangements for overseas trained doctors and nurses](#).

Chaperones

Persons accompanying a visiting tour or school group may provide a range of functions during the visit. Accordingly, the Temporary Work (Short Stay Activity) ([GA-400](#)) visa would normally be the most appropriate visa option for tour leaders as it provides greater flexibility to cover the range of functions that might be performed. However, in recognition of the cultural use by key tourism markets of foreign tour leaders and the frequency of travel of such tour leaders, the [FA-600](#) Business Visitor stream is also an option.

For the applicant to be eligible for a Business Visitor stream visa, the [s65](#) delegate needs to be satisfied that the visa holder will be undertaking an administrative chaperone function only and will not be providing any tour guiding activities (such as providing commentary about sights).

Similarly, a Business Visitor stream visa is available to chaperoning teachers accompanying a group of overseas students. In this scenario, the [s65](#) delegate needs to be satisfied that no teaching activities will be undertaken on a Business Visitor stream visa.

Chaperones should be advised to lodge an application for an [FA-600](#) Business Visitor stream visa, rather than an ETA ([UD-601](#)) or eVisitor ([TV-651](#)) to ensure that a [s65](#) delegate is satisfied that the proposed activities are limited to chaperoning, and to provide greater certainty for border and compliance staff.

Chaperones should be granted a Business Visitor stream visa for the duration of the intended visit, with up to a maximum of 12 months travel period for frequent repeat visitors. This approach manages the risk of inappropriate activities and caters for potential changes to the visa framework.

As with PRC business visitors, who may now be granted visas with a 3 year travel component, Approved Destination Status (ADS) tour leaders/chaperones may similarly be granted a Business Visitor stream visa with a 3 year travel period. ADS tour guides are considered to be working in Australia and should hold a visa with appropriate work rights.

For policy and procedure on the [GA-400](#) Temporary Work (Short Stay Activity) visa, refer to [PAM3: Sch2Visa 400 - Temporary Work \(Short Stay Activity\)](#).

The Preferred Aussie Specialist (PAS) program

About the PAS

The Preferred Aussie Specialist (PAS) program has been in place since December 2003, when it was introduced in India. It has since been expanded to Mexico, Indonesia and Thailand. PAS was discontinued in Russia in 2012 as a result of the evolution of the tourist and shift towards independent travel.

PAS are travel agents selected to promote tourism and facilitate the processing of Australian [FA-600](#) visa applications. They are trained by Tourism Australia in promoting Australia as a destination and by this department in general visitor visa policy and bona fides assessment. In exchange for vetting their clients and helping ensure that only visitors intending a genuine temporary stay travel to Australia, the applications lodged by these agents are given priority processing by the department. The department continues to make the final decision on all visa applications.

PAS agents sign a three way contract with the department and Tourism Australia. By signing this contract, agents agree to abide by the Code of Conduct (Schedule 2 to the contract) and be subject to sanction action if they breach the Code.

Aussie Specialist selection process

Role of Tourism Australia

Tourism Australia recommends travel agencies who should join the PAS program. Recommended agents must already be participants in TA's Aussie Specialist Program - that is, part of a specialised group of retail travel agents actively selling and promoting Australia around the world, who are specifically trained to sell Australia as a tourism destination.

For more information, refer to Tourism Australia's [Aussie Specialists webpage](#).

Role of the department

In countries where the PAS program exists, the department considers agencies recommended by TA for approval as a PAS agent. In so doing, the department takes into account the information provided by TA and the department's previous dealings with the agency (for example, volume, quality of applications, non-return rate, protection visa application rate and visa cancellation rate).

Once approved, the new PAS agent will be trained by the relevant post. In the early stages of lodging applications, new PAS agents are heavily monitored to ensure that they have understood the training and are vetting visa applicants appropriately. Once this initial "trial" phase is over, their applications are fast-tracked.

Expansion of PAS arrangements

Overseas posts who consider that a PAS program would be appropriate in their local environment should contact this [instruction's owner](#) for further information.

Visitor visa conditions

About FA-600 visa conditions

The following table summarises which visa conditions are mandatory and discretionary for each visitor. Those conditions that are of particular relevance to visitor visas are discussed in further detail – refer to:

- [Condition 8101 - no work](#)
- [Condition 8115 – no work other than business visitor activity](#)
- [Condition 8201 - 3 month limit on studying or training](#)
- [Condition 8207 - no study or training](#)
- [Condition 8503 - no further stay](#)
- [Condition 8530 - must follow itinerary](#)
- [Condition 8531 - must not remain beyond the visa period](#)
- [Conditions 8558 – Not become resident](#)
- [Condition 8501 – Maintain health insurance](#)

Table summary

The following table has alternate text but its reading order is not defined.

Visa stream and type of application	Mandatory	Discretionary
Tourist – Un-sponsored applicant	8101 , 8201	8501 , 8503 , 8558
Tourist – Sponsored applicant	8101 , 8201 , 8503 , 8531	n/a
Tourist – Hardship cases	8201	8503
Sponsored Family – All applicants	8101 , 8201 , 8503 , 8531	n/a
Business Visitor – All applicants	8115 , 8201	8503
ADS – All applicants	8101 , 8207 , 8503 , 8530	n/a

Condition 8101 - no work

About 8101

Condition [8101](#) states that, ‘the holder must not engage in work in Australia’. Work is defined in regulation 1.03 as means an activity that, in Australia, normally attracts remuneration.

This condition complements the requirement for visitor visa applicants to have adequate means to support themselves, or access to such means to support themselves, during the period of their intended stay in Australia.

Note: This condition is not imposed on Business Visitor stream visas as this condition could prevent the conduct of certain [business visitor activities](#). Refer instead to [Condition 8115 – no work other than business visitor activity](#).

Activities not regarded as work

Volunteer work

Under policy, genuine volunteer work is not considered to be in breach of condition [8101](#) as this should not fall within the definition of work. Furthermore it would not take a job opportunity away from an Australian and may be to Australia’s benefit. For policy and procedure, refer to [Volunteer workers](#).

Providing domestic support for family in Australia

Under policy, [s65](#) delegates should also take a flexible approach where applicants are intending a one off visit with family members in Australia and may provide some domestic support. Child minding or carer activities in special circumstances or on a non-ongoing basis, for example, helping out a sister who has just given birth, is not considered to be in breach of a condition [8101](#). This recognises the provision of ad-hoc domestic support by close family as a family activity rather than work. Up to 12 months stay can be considered appropriate in special, one-off circumstances. For guidance about parents, refer to [Parents of Australian residents](#).

Section [65](#) delegates should, however, counsel applicants that visitor visas cannot be used on an ongoing basis to undertake domestic work due to condition [8101](#). For example, where ongoing childcare or medical care is

required, families must make other, more permanent arrangements, utilising services available in Australia - otherwise they are potentially taking away employment opportunities from Australians.

If s65 delegates have concerns that a family has made no ongoing arrangements, and hence the applicant may not intend a genuine temporary stay (refer to [The genuine temporary stay requirement](#)), s65 delegates may consider requesting evidences of a medical treatment plan for the sick relative, or evidence of the new born child being placed in a queue for childcare.

Online work

Applicants wishing to work online (for example, stockbroker wanting to check emails, share prices etc. online) may apply for a Tourist stream visa if the online work is incidental to a holiday. If the applicant is holidaying in Australia for a short period, and just wishes to keep on top of work back home (that is, the online work is incidental to their trip), this is not of concern in terms of condition [8101](#).

An applicant who wishes to continue their overseas work online, basically full-time may be of concern in terms of the genuine temporary stay requirement and should be considered carefully. But generally, such persons are also unlikely to be in breach of condition [8101](#) and are unlikely to be taking a job away from an Australian.

Work experience is not appropriate on a visitor visa

Work experience is not appropriate on a visitor visa. Internship arrangements may, however, be acceptable (to be decided on a case by case basis) if:

- the applicant is a student at a foreign university and is gaining credit for the internship at their home university (that is, it is effectively study and is in line with the qualifications they are undertaking) or
- a GC-402 Occupational Trainee stream visa is not available, and the person will be observing professionals at work only - that is, not undertaking actual work themselves.

For advice in relation to such cases, email [Visitor Policy](#).

Applying in Australia for permission to work

There are no provisions for a visa applicant outside Australia to apply for a visitor visa with work rights.

Visa holders in Australia can apply for a Tourist stream visa with permission to work in very limited circumstances (refer to [Condition 8101 - no work](#)).

If a Tourist stream visa is granted, the visa previously held will cease to be in effect in accordance with [s82\(2\)](#) of the Act.

When the visa is granted it is granted without a condition limiting their ability to work. This in effect will give the applicant permission to work in Australia.

Persons seeking to apply for a Tourist stream visa with work rights attached should be counselled that the new visa, while allowing them to work, may in other respects be less favourable than their current visa. For example, the period for which the visa allows them to remain in Australia and/or the period for which the visa allows travel and entry to Australia may be less favourable. Generally, if a Tourist stream visa is granted with work rights, it will not allow the holder to re-enter Australia if they choose to leave, as one of the criterion to be granted such a visa is that the applicant or a member of their family unit cannot leave Australia.

When can a visa allowing a visitor to work be granted

To be granted a Tourist stream visa with work rights attached, the applicant must satisfy the requirements of the associated Schedule 2 “financial hardship” criterion ([600.6](#)).

Permission to work may be granted where a person is applying for a Tourist stream visa and:

- is suffering financial hardship due to changed circumstances since entering Australia
- is likely to become charge on the state
- for reasons beyond their control cannot leave Australia and
- they have a compelling personal reasons to work in Australia.

Provided these requirements are met, [600.6](#) allows officers to grant a visa without condition [8101](#) attached.

Assessing the financial hardship criterion

There are four elements to the “financial hardship” criterion.

Change in circumstances

Under [600.611](#), applicants for a Tourist stream visa permitting the applicant to work must demonstrate that their need to work has arisen due to changed circumstances since entering Australia. This is because granting a visa without condition [8101](#) attached in general undermines the principle that visitors should have adequate funds for their support during the period of their visit and should be in Australia for tourism or business purposes only.

Likely to be a charge on public funds

Under [600.611](#), officers must be satisfied that the applicant or a member of their immediate family is likely to become a charge on public funds if work is not permitted.

Cannot leave Australia for reasons beyond their control

To satisfy the further criterion under [600.611](#), ‘for reasons beyond the applicant’s control, the applicant, or a member of the applicant’s immediate family, cannot leave Australia’, applicants must, under policy, be able to demonstrate that they have explored all alternatives including seeking assistance from their government’s representatives in Australia and/or from family/friends to allow them to leave Australia. Wanting to remain in Australia after finishing activities on another visa is not, of itself, a circumstance in which the applicant cannot leave Australia.

Compelling personal reasons

When assessing the criterion under [600.611](#), ‘the applicant has compelling personal reasons to work in Australia’, under policy, ‘compelling personal reasons’ is generally taken to refer to circumstances that are involuntary and characterised by necessity such that the applicant is faced with a situation in which there is little, or no alternative, but to seek permission to work in Australia. This may be the case, for example, if the applicant has experienced a serious accident or illness. Mere inconvenience is insufficient to satisfy this provision.

Refund of VAC

Regulation [2.12F\(2\)\(d\)](#) requires that applicants, who satisfy these criteria and are granted a visa permitting work, be refunded the visa application charge. There is no refund available if:

- a Tourist stream visa is granted, but not permitting work or
- if the grant of a Tourist stream visa is refused.

Condition 8115 – no work other than business visitor activity

For policy and procedure relating to condition [8115](#), refer to [PAM3: Sch8/8115 - No work other than business visitor activity](#).

For policy and procedure relating to business visitor activity, refer to [PAM3 Div1.2/reg1.03 - Business visitor activity](#).

Condition [8115](#) is mandatory on Business Visitor stream visas, preventing the visa holder engaging in work in Australia other than business visitor activities.

Condition 8201 - 3 month limit on studying or training

For policy and procedure relating to condition [8201](#), refer to PAM3: Sch8/8201 - 3 month study limitation. Questions on this condition should be directed/emailed to [Student Visa Help Desk](#).

Condition 8207 - no study or training

Condition [8207](#) is mandatory on [FA-600](#) ADS stream visas. It prevents the visa holder from undertaking any study or training in Australia.

Condition 8503 - no further stay

Condition [8503](#) should be seen as a tool that can be used by officers to help ensure the intention of the visitor program (to provide an avenue for temporary stay in Australia) is maintained.

For policy and procedure, refer to [PAM3: Sch8/8503 – “No further stay” condition 8503](#).

Condition 8530 - must follow itinerary

Condition [8530](#) is mandatory to the [Approved Destination Status stream](#) visa. It requires the visa holder to not deviate from organised tour arrangements.

In assessing whether this condition has been breached, there are specific, extenuating circumstances in which an [8530](#) visa holder who has deviated from the organised (that is, ADS) tour is, under policy, to be regarded as not having deviated. For policy and procedure, refer to [PAM3: Sch8/8530 - Not deviate from the organised tour](#).

Condition 8531 - must not remain beyond the visa period

About 8531

Condition [8531](#) is a mandatory condition for both:

- Sponsored Family stream visas and
- sponsored Tourist stream visas.

The purpose of the condition is:

- to impress on the sponsor and on the visa holder the need for the visit to Australia to take place lawfully by abiding by the period of stay authorised by the visa
- to enable a [s269](#) delegate to consider forfeit of the security if the visa holder remains in Australia beyond the period of stay authorised by that visa. If a visitor stays in Australia beyond their authorised period, they have not complied with a visa condition and any security lodged in respect of that visa may be forfeited.

Non-compliance with the condition

A visa holder has not complied with condition [8531](#) if they do not leave Australia within the period of the visa to which the condition relates. It is irrelevant whether the visa holder remains in Australia lawfully or unlawfully or how long beyond the visa period they remain.

Non-compliance with condition [8531](#) may result in a 5 year ban during which time the sponsor cannot sponsor another applicant for an [FA-600](#) visa in either the Sponsored Family stream or the Tourist stream. It also enables forfeiture of the security (if any) lodged under [s269](#) of the Act in regards to the visa holder.

Conditions 8558 – Not become resident

Conditions [8558](#) is a discretionary condition. It states that the visa holder must not remain in Australia for more than 12 months in any 18 month period. This condition was originally introduced to help maintain the integrity of the visitor visa program while facilitating longer stays by parents of Australians (refer to [Parents of Australian residents](#)).

Under policy, condition [8558](#) should be imposed if an [FA-600](#) visa that:

- has a travel period of more than 12 months and
- allows multiple entry and
- allows 12 months stay on each entry

is granted. The condition can also be imposed on a case-by-case basis for longer travel period (more than 12 months) visas, or for shorter stay periods where imposing the condition would address [s65](#) delegate concerns regarding de facto residence.

For policy and procedure, refer to [PAM3: Sch8/8558 - "Not resident"](#) .

The condition applies **only** to the particular visa on which it is imposed. This means that periods of time spent in Australia on other visas cannot be included in the 12 months in 18 calculation. The 12 months in 18 will apply only to the visa they are currently holding.

If applicants have spent considerable time in Australia on other visas to the extent they are exceeding the 12 months in 18 months principle, it may become a question of whether they intend a genuine temporary stay and whether they are then subject to the de facto residence principle. In such cases applicants may be expected to spend some time outside Australia before another visa is granted to them.

Condition 8501 – Maintain health insurance

About condition 8501

Condition [8501](#) is a discretionary condition. It requires the visa holder to maintain adequate arrangements for health insurance while in Australia. This condition mitigates the financial burden that some visa holders may impose on the Australian health system. In the visitor program, this relates to parents of Australians who are visiting for regular, longer periods under the special arrangements for parents of Australians – refer to [Parents of Australian residents](#).

Under policy, condition [8501](#) should be imposed if an [FA-600](#) visa that:

- has a travel period of more than 12 months and
- allows multiple entry and
- allows 12 months stay on each entry

is granted. The condition can also be imposed on a case-by-case basis for longer travel period (more than 12 months) visas, or for shorter stay periods where imposing the condition would address [s65](#) delegate concerns regarding health costs.

The meaning of “adequate arrangements”

Migration law does not define “adequate arrangements for health insurance”. A substantial policy document has been developed, however, in relation to [457](#) visas – refer to [PAM3: Sch2 Visa 457 Temporary Work \(Skilled\) - Health insurance](#). For [FA-600](#) visas, that instruction should, as applicable, be followed.

In particular, the departmental website has a standard template for use by health insurers. Although it is not necessary to use this form for [FA-600](#) applicants, Attachment A to the form provides useful information in relation to determining what is regarded as “adequate arrangements”. The information contained on this form

should be treated as a guide only and it is open to s65 delegates to satisfy themselves regarding the adequacy of the insurance in the context of the person's general circumstances.

Evidence required at time of decision

If 8501 applies to a Tourist stream visa, the delegate should ensure that the applicant holds adequate health insurance for the first 12 month period of stay. It is not necessary for the applicant to hold cover for the visa period – as the applicant is likely to be able to obtain health insurance cover only for at most, 12 months (at a time).

For the grant of the visa, the applicant should generally demonstrate the existence of the first 12 months insurance. However, it is open to individual posts to depart from this policy if local circumstances warrant it. Although the preference is for 12 month pre-paid health insurance, an alternative arrangement is appropriate provided the relevant Schedule 2 criterion continues to be satisfied. If there is to be a departure from the general policy, a combination of one or more of advance dating, where the coverage commences when the visa holder arrives in Australia and monthly debit arrangements, is acceptable

Visa holders will need to be adequately covered on each subsequent entry. Section 65 delegates are not expected to ensure that the visa holder is covered for any subsequent entry to Australia; this is the responsibility of the visa holder and their visa may be liable for cancellation if they do not maintain adequate arrangements for health insurance for any period they are in Australia.

The insurance policy:

- need not necessarily be with a specialist health insurance company
- can include an excess, if the applicant so wishes
- may include standard “pre-existing condition” clauses and
- must be fully comprehensive; that is, it must provide at least Medicare equivalent cover and provide hospital, emergency, general practitioner and pharmaceutical benefits – for details of cover provided by Medicate refer to the Department of Human Services [Medicare Card webpage](#).

Although it is preferable that health insurance is held with an Australian insurer, this is not a requirement. Cover can also be made through a reputable local insurer that provides the same level of cover.

Applicants should provide evidence of their cover from their insurer which shows the level of health care provided by the insurance policy.

For subsequent applications, previous evidence of compliance with this condition and evidence that on-going cover has been arranged should be considered adequate to satisfy the s65 delegate that the applicant intends to comply with condition 8501.

Note:

- in implementing this policy the s65 delegate must be satisfied that the applicant genuinely intends to abide by the condition
- the applicant is to be counselled regarding the importance of maintaining the insurance and the impact its non-maintenance may have on future applications and the current visa. This should be documented in the system record as should a request for the visa holder to retain evidence of the health cover as supporting documentation for future applications.

Granting visitor visas

Where the applicant must be to be granted their visa

In summary, according to the type of application:

ADS stream: Applicant must be in the PRC to be granted their visa

All other streams, application made outside Australia: Applicant must be outside Australia to be granted their visa

All other streams, application made in in Australia: Applicant must be in Australia to be granted their visa

For further information, refer to [PAM3: GenGuideA - All visas – Visa application procedures - Circumstances applicable to grant](#).

Single or multiple entry

Tourist stream

Generally, visas should be granted to allow for multiple journeys, unless the applicant's circumstances and/or the proposed purpose of the visit are such that officers are inclined to allow for only one journey.

When considering Tourist stream visa applications made in Australia to extend an applicant's stay in Australia, an assessment should be undertaken to determine the appropriate stay period and re-entry facility. A high risk applicant may not be provided with a re-entry facility.

If the parent of Australian resident applies for a Tourist stream visa while outside Australia, consideration should be given to granting a multiple entry visa unless there is evidence that the applicant has or intends to use the visa for de facto residence – refer to:

- [De facto residence](#) and
- [Parents of Australian residents](#).

Sponsored Family stream

Under policy, Sponsored Family stream visas or sponsored Tourist visas should generally only be granted with single entry facility. This is because a multiple entry visa would make it difficult for the sponsor to ensure compliance by the visa holder and thereby create an unreasonable burden.

Business Visitor stream

Generally Business Visitor stream visas should be granted to allow for multiple journeys, unless the applicant's circumstances and/or the proposed purpose of the visit are such that the [s65](#) delegate is inclined to grant a single entry visa. The [s65](#) delegate may limit the grant to single entry if there is a concern that the visa may be abused to maintain residence or to mitigate the risk of any future work.

FA-600 visa travel period

Tourist stream

There is no legislative limit on the length of the travel period of a Tourist stream visa. However, under policy, the standard period for travel and re-entry to Australia is 12 months from the date of grant.

Officers are encouraged to grant Tourist stream visas with up to a 5 year travel period, if the applicant is considered to present a low risk of using the visa to establish de facto residence in Australia. It is also policy that Gulf nationals can be granted a visa with up to 2 years travel period with multiple entry if appropriate.

Decisions to grant a longer travel period should include a consideration of:

- whether the applicant could be considered a de facto resident of Australia or presents a risk of attempting to gain de facto residency (refer to [De facto residence](#))
- the purpose of the applicant's visit
- the applicant's immigration history

- whether the applicant has sufficient financial resources to support a possible extended stay in Australia without working
- the period of stay requested (generally, longer travel period should be accompanied by shorter stay periods)
- any security considerations and
- whether the applicant is low risk from a compliance, health and character perspective.

Five examples of applicants who may be suitable for longer travel period visas are:

- parents of Australian permanent residents – refer to:
 - [Applicants in the parent migration queue](#) and
 - [Other parents](#).
- partners of Australian permanent residents – refer to [In a partner relationship with an Australian citizen/resident](#).
- low risk frequent travellers.
- those who complied on previous visit(s) and
- those who have previously travelled to a country where there would be significant incentives for them to remain, and they complied with the immigration laws of that country.

When granting longer travel period in conjunction with longer stay periods (that is, 12 months), [s65](#) delegates should counsel the visa holder, to ensure the visa holder understands that a Tourist stream visa is only for visits to Australia and cannot be used to stay in Australia on an ongoing basis. Visa holders who use their visitor visa in this way may encounter difficulties at the border and be liable to have their visa cancelled. Under policy, parents who are granted visas with travel period of more than 12 months, 12 month stay and multiple entries should have condition [8558](#) (“Not resident”), [8501](#) and [8503](#) imposed on their visa. Refer to [Conditions 8558 – Not become resident](#).

Business Visitor stream

Under policy, officers are encouraged to grant Business Visitor stream visas with up to 2-3 year travel period, for low risk business visitors.

Sponsored Family stream

Sponsored Family stream visas should generally require the holder to enter Australia within 3 months from the date of grant, or by a specified date in line with purpose of the proposed visit.

Under policy, up to 12 months travel period may be granted, however, if the [s65](#) delegate is satisfied the applicant will abide by their visa conditions.

FA-600 stay periods

Tourist stream

No legislatively-specified limit

There is no legislative limit on the stay period of a Tourist stream visa. Where possible, Tourist stream visas allowing 3, 6 or 12 months stay in Australia should be granted in accordance with the applicant’s request.

Stay beyond 12 consecutive months may be permitted in exceptional circumstances – refer to [If total stay will exceed 12 months](#).

Outside Australia

Under policy, the standard period for Tourist stream visas is either 3 or 6 months, unless:

- the applicant’s circumstances and/or the proposed purpose of the visit are such that officers are inclined to allow a greater period of stay than 6 months

- the applicant is the parent of an Australian citizen or permanent resident and their primary purpose for travelling to Australia is to visit their children – refer to [Parents of Australian residents](#)
- the applicant is high-risk and the s65 delegate has particular reasons why they believe a stay of less than 3 months should be granted (for example, the applicant only has adequate funds to cover a shorter period of stay, and is travelling to Australia for a short period for a special occasion).

In Australia

Applicants in Australia can be granted a visa with an additional stay period up to a total of 12 months consecutive stay, unless there are exceptional circumstances – refer to [If total stay will exceed 12 months](#).

Business Visitor stream

Under policy, Business Visitor stream visa holders are advised that they can stay in Australia for a maximum period of 3 months. It is policy that a full 3 months stay be provided. The stay period may be expressed as a date or a specific number of months (for example, 3 months).

Sponsored Family Visitor stream

There is no legislative maximum period of stay for a Sponsored Family stream visa holder. However, under policy, the usual period of stay is 3 months.

If an applicant requests a longer period of stay, the s65 delegate must be satisfied that the applicant intends a genuine temporary stay.

A stay of 12 months should be granted only in exceptional circumstances. If further advice is needed, email [Visitor Policy](#).

If a sponsor has indicated that their sponsorship is intended to cover specified period of stay (for example, 1 month), the s65 delegate should not grant a stay period longer than the specified period.

Visitor visa cancellation

Visitor-specific provisions

Standard visa cancellation policy applies to cancelling visitor visas. Note: Regulation [2.43](#) provides additional grounds for cancelling visitor visas under [s116](#) of the Act.

Section [65](#) delegates who are considering cancelling an [FA-600 Tourist stream](#) visa under regulation [2.43](#) due to a visa holder's regular visits to Australia should consider the "de facto residence" policy guidance in [De facto residence](#).

Officers seeking further advice as to whether a specific visitor visa holder would be considered to be abusing the visitor visa program may email [Visitor Policy](#).

Standard visa cancellation policy

For policy and procedure on general visa cancellation:

- refer to [PAM3: Act – Visa cancellation - General visa cancellation powers \(s109, s116, s128, s134B and s140\)](#)
- or
- email [Compliance Helpdesk](#).

Visitor visas and merits review

A decision to refuse to grant a visitor visa is a *Part 5-reviewable decisions* (that is, a merits-reviewable decision) if:

- the applicant is in Australia at the time of lodging the review application ([s338\(2\)](#) of the Act)
- or
- the applicant, as required by a criteria for the grant of the visa, was sponsored by an Australian citizen, an Australia permanent resident or a company operating in the migration zone ([s338\(5\)](#))
- or
- the applicant was intending to visit an Australian citizen or permanent resident who is a parent, partner, child or sibling, and that relative's details were provided in the visa application ([s338\(7\)](#)).

There is no separate merits review right of a decision not to approve a Sponsored Family stream sponsorship or Tourist stream sponsorship. (Rather, the decision not to approve the sponsorship leads to visa refusal, for which there is a review right under [s338\(5\)](#)).

For more information about time limits and the merits review process, refer to [PAM3: Act - Merits review - AAT review of Part 5-reviewable decisions - Guide for primary decision makers](#)

Processing of electronic visitor visa applications

Auto grant

If an [FA-600](#) visa application is made via the internet and there is no information to indicate that the application needs further checking, the applicant can be “automatically” granted a visa by ICSE.

Note: Whether an application is autogrant or decided manually, the applicant still has to satisfy the same criteria in order to be granted a visa. (Condition [8503](#) , however, cannot be imposed on autogrant Tourist stream visas or autogrant Business Visitor stream visas.)

If auto-grant does not proceed

If an applicant provides information on their application that requires further checking, auto grant does not proceed. The application is referred to the relevant office for further checking and manual finalisation. Referral to processing office

e600 applications that are not autogrant will be referred to the relevant office. Applications might be referred for any of the following 11 reasons:

- MAL record match
- name or biodata mismatch
- if in Australia, previous applications since their last entry to Australia
- any “client of interest” entries
- any compliance or enforcement action
- any response on form 1419 (Internet) indicating health or character concerns
- investigation/compliance actions recorded against the applicant
- applicants from a “very high risk” health country, for formal health examinations
- applicants matching a Safeguards profile
- applicants from high risk caseloads who are not eligible for autogrant
- applicants requiring additional security and character checks.

For applications for which a visa is not autograntred, the details that the applicant entered on their internet application are held in ICSE. The office will receive cases referred for manual processing into daily ICSE batches awaiting action.

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