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<Select:820/801/309/100> Refusal Decision: QA Checklist

The list below should be checked off by:

- the case officer (CO) who is writing the refusal decision record
- the case officer's team leader (TL) – and sign off general clearance below;

Applicant name: Click or tap here to enter text.	RID: Click or tap here to enter text.
Case Officer's name: Click or tap here to enter text.	Date: Click or tap to enter a date.

QUALITY CHECKING ISSUE		
	CO	TL
Applicant has been provided with natural justice. All adverse information has been provided to the applicant for comment and any response has been addressed.	Choose an item.	Choose an item.
Natural justice and RFI period has expired	Choose an item.	Choose an item.
Section 56 and Section 57 letters have met all notification requirements – 3 pillars – content, who and how	Choose an item.	Choose an item.
Agent/Authorised recipient status correctly recorded in ICSE – any ambiguities clarified with the applicant	Choose an item.	Choose an item.
The refusal decision record provides reasons for the <Select> refusal decision – evidence, reasoning, conclusions explained fully and impartially	Choose an item.	Choose an item.
The decision record and notification have been checked for consistency, spelling, grammar, logic and flow	Choose an item.	Choose an item.
Correct details – including name, RID, CID, date of lodgement, visa subclass	Choose an item.	Choose an item.
Notification – correct ART timeframe selected, mode of delivery is accurately recorded, courtesy copies are clearly identified – check 956/application form	Choose an item.	
TL: The decision record fairly addresses relevant evidence for and against, and expression is clear and correct.		Choose an item.
The requirements of general administrative law and relevant case law are met in this case.	Choose an item.	Choose an item.
All information before the Department has been taken into consideration – final check of mailbox/pigeon holes to be performed immediately prior to refusing the decision in ICSE	Choose an item.	Choose an item.
s. 47E(d) Listing and Batching required for suspected/confirmed – Fraud reporting	Choose an item.	Choose an item.

Document to be trimmed by CO on completion

Case Officer:

Signature: Click or tap here to enter text.

Date: Click or tap to enter a date.

Team Leader:

☐ I confirm that I have reviewed the decision record and consider the decision record ready for finalisation.

Signature: Click or tap here to enter text.

Date: Click or tap to enter a date.

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Interim Offshore Partner CNG Standard Scripts

s. 47E(d) partner relationship assessments

Version 1.0

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Governance

Use of the interim Offshore Partner CNG standard scripts for S. 47E(d) is contingent on:

- Continued use of the **Case Note Generator (CNG)**. The CNG can be accessed S. 47E(d)
- Application of:
 - o S. 47E(d) - For Offshore Partner (300/309)
 - o Standard scripts must align with the S. 47E(d) risk and treatment applied, as per 300.309 - Attachment D - Offshore Partner assessment matrix
- A **'one touch' relationship assessment**, where the visa decision maker (VDM) is satisfied the relationship criteria have been met upon initial assessment of the claims, documents provided and system checks undertaken and in accordance with the S. 47E(d) treatment advice.
 - o **Note:** If, following an initial relationship assessment, further treatment and/or documents are required, the interim standard scripts **cannot** be used and completion of the existing CNG relationship assessment fields is required.
- The interim Offshore Partner CNG standard scripts are **only applicable to the relationship assessment**, all other CNGs fields for the respective subclass under assessment must be completed.
- A full review and update of the suite of Partner CNGs is scheduled to be undertaken shortly by PPM and will be user acceptance tested before being put in to production.

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Instructions

Conduct an **initial assessment** of the application, collating your notes using the CNG for all applicable fields and tabs, except the relationship assessment fields in the 'Primary Applicant' tab.

Also conduct a **relationship assessment** as part of the initial assessment.

s. 47E(d)

Select the '**Generate Case Note**' button in the CNG, generating a note based on all radio button, check box and drop down box selections made and free text entered in the CNG, which then display in the CNG 'Note box'.

As per standard practice for recording CNG case notes in ICSE, select a *Note-Case* event and enter '**Initial assessment**' in the 'Information' field.

Record the notes by pasting the note generated from the CNG and insert the applicable standard relationship assessment script extracted from this document.

Record an '**Outstanding**' note as per standard format if there are outstanding documents/further information required, noting if there are documents or information outstanding toward the relationship assessment, it is not a 'one touch' relationship assessment and the standard scripts cannot be used.

Alternatively, record a '**Finalised**' note as per standard format if there are no outstanding documents or information and a decision has been made on an application.

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Standard scripts

Offshore subclasses

Subclass 309 - s. 47E(d)

s. 47E(d)

One touch relationship assessment s. 47E(d) case):

In place of the above 309 Partner CNG fields in the 'Primary Applicant' tab, the following standard script can be inserted within the case notes recorded in ICSE when, following an initial assessment, the VDM is satisfied the applicant and sponsor are in a spousal or de facto relationship, the s. 47E(d)

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RELATIONSHIP ASSESSMENT

s. 47E(d)

Information and documents provided demonstrate key milestones and development of the relationship.

s. 47E(d)

Satisfied the applicant is the [spouse (s5F and Reg 1.15A)/de facto partner (s5CB, Reg 1.09A and Reg 2.03A)] of the sponsoring partner: Yes

Development of relationship

Date met: [insert date]

Date committed: [insert date]

[Date married/Date de facto relationship commenced]: [insert date]

Date lodged: [insert date]

Time of decision - Continuing relationship: Yes

100.221(5) - Long-term relationship: [Met/Not Met/Requested]*

**If met – list pertinent evidence sighted; If not met – write a brief note as to why*

Subclass 309 - s. 47E(d)

Completion of the existing CNG relationship assessment fields is required.

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Subclass 300 - s. 47E(d)

s. 47E(d)

s. 47E(d)

RELATIONSHIP ASSESSMENT

s. 47E(d)

Information and documents provided demonstrate key milestones and development of the relationship.

s. 47E(d)

Time of Application Criteria

- 300.211 - intends to marry eligible SP - Met
- 300.212A - PA is >18yrs - Met
- 300.213 - PA sponsored by prospective spouse, and the prospective spouse is >18yrs - Met
- 300.214 - known and met - Met - [insert date]
- 300.215 - genuine intent to marry - Met - committed: [insert date]
- 300.216 - intend to reside as spouses - Met

Time of Decision Criteria

- 300.221 - continue to meet TOA criteria - Met
- 300.221A - no impediment to marriage - Met

Subclass 300 - s. 47E(d)

Completion of the existing CNG relationship assessment fields is required.

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Onshore subclasses

Subclass 820 - S. 47E(d)

Completion of the existing CNG relationship assessment fields is required.

Subclass 820 - S. 47E(d)

Completion of the existing CNG relationship assessment fields is required.

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Commencing a combined Partner Subclass 309/100 visa application under Regulation 2.08E or Subregulation 4.15(4)

Decision Maker Guide

Work instruction for ICSE, SAP and ECS

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Overview

This document provides guidance to Visa Decision Makers (DMs) for commencing a combined Partner (subclass 309 and 100) permission request in ICSE when an applicant is 'taken' to have applied, either:

- by operation of Regulation 2.08E, following notification to the Department of Home Affairs (the department) from a Prospective Marriage (subclass 300) visa applicant that the applicant has married their sponsor, or;
- by operation of Subregulation 4.15(4), following the Administrative Review Tribunal's (ART) decision to remit a Prospective Marriage (subclass 300), where the subclass 300 applicant notified the ART during the review process of their marriage to their sponsor.

This document should be read in conjunction with the *Migration Act 1958* (the Act), the *Migration Regulations 1994* (the Regulations) and the Procedural Instruction (PI), available in LEGEND. DMs should also consult additional resources available on the [S. 47E\(d\)](#) and the department's intranet site.

NOTE: For the purposes of this document:

- a subclass 300 visa application refers to the Prospective Marriage (subclass 300) visa.
- a subclass 309/100 visa application refers to the combined Partner (subclass 309/100) visa.

How to use this guide

It is preferred that this guide is accessed via the [S. 47E\(d\)](#). To ensure that DMs are following the most recent version, please do not print or save local copies of this document as it may be subject to future edits.

To navigate through the document, utilise the Table of Contents and the Check List, which link to various steps in this process. Links through the document will also return you to the checklist.

This guide is all Partner Visa DMs and has been written at a level of no assumed knowledge, except for some word processing formatting skills.

DMs must leave the subclass 300 visa application **unfinalised** in ICSE until a decision is made on the subclass 309/100 visa application.

This is to ensure that the ImmiAccount channel for the applicant remains open to upload supporting documents for the subclass 309/100 assessment.

Note: *ImmiAccount will not be available for applications remitted by the ART and therefore the applicant will need to communicate with the department via email.*

Check List: Step by Step Guide to commence the subclass 309/100 visa application in ICSE :

1. Create subclass 309/100 Permission request in ICSE

- V Locate primary applicant
- V Create Permission Request
- V Add sponsor
- V Add 2.08E note
- V Check WMAN allocation point

2. Copy over relevant information from the Subclass 300 permission request to the subclass 309/100 permission request

- V Electronic Authorisation
- V Email
- V Record Keeping – TRIM reference number (Box/File No: BCC)
- V If relevant, add details for:
 - o Registered Migration Agent or
 - o Legal Partitioner or
 - o Authorised Contact

3. Revenue and Receipting - Payment - Override Price

- V Add payment override note in ICSE

4. Associated Bridging Visa

5. Notification

- V Acknowledgement letter to Primary Applicant
 - o Format the letter and send
- V If relevant - :
 - o Additional letter - Secondary applicants included in the subclass 300 visa application
 - o Format the letter and send

1. Create a Permission Request for the subclass 309/100 visa application

Locate the primary applicant in ICSE. [\[return to checklist\]](#)

Search for the primary applicant in ICSE by selecting **Client** and selecting **OPEN**



Client enquiry opens. Search for applicant with the information you have available. For Example: Family/Given names and DOB; or Request ID or TRN (drop down list)

s. 47E(d)

Client detail opens.

s. 47E(d)

After locating the primary applicant in ICSE, create the new permission request:
Select **Client > New > Request** [\[return to checklist\]](#)

s. 47E(d)

Record the date of the subclass 309/100 visa application in ICSE as the date that the applicant informed the department of the marriage having taken place, operation of regulation 2.08E; or the date the ART remitted the application to the department; operation of subregulation 4.15(4).

For example

- The date the applicant emailed the department advising that they have married their sponsor (with or without the marriage certificate);
- The date the marriage certificate was uploaded to ImmiAccount (with or without any explanation).

Please note: the marriage needs to have taken place after the subclass 300 was lodged for 2.08E to be enlivened or during the review process for 4.15(4) to be enlivened.

Permission Request Category opens.

Date: Enter the date the applicant informed the department of the marriage or the date the ART remitted the application to the department.

Form No or Service: Type *47SP* > *Search*

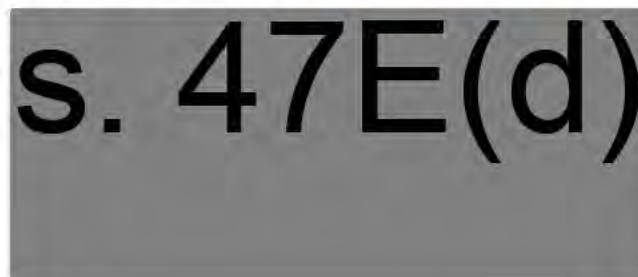
Service: *A Partner Combined (Full Fee) (UF309/BC100)*

Office: Select your office from the dropdown list > *Select*



Now that you have created the permission request for the primary applicant, it is time to add the Sponsor.

In the same **Permission Request** > **Add Client**. [\[return to checklist\]](#)



Client Enquiry opens. Use your preferred method to **Search** for the Sponsor, using the same [method](#) as explained above for the primary applicant. [\[return to checklist\]](#)

After locating and selecting the correct client, on the client details screen select the following from the dropdown lists:

Client Role: *Sponsor*

Association to Main Applicant: *Spouse/Defacto Partner > Attach Clients*

s. 47E(d)

It is vital that you **DO NOT ADD SECONDARY APPLICANTS** from the subclass 300 permission request. Regulation 2.08E and Subregulation 4.15(4) do not apply to secondary applicants.

It is open to the primary applicant to request the secondary applicants be included in the combined subclass 309/100 visa applications under Regulations 2.08A and 2.08B.

They can do this by attaching a completed Form 1436 - *Adding an additional applicant after lodgement* and pay the relevant Visa Application Charge (VAC).

Enter a note to explain the reason for the creation of the permission request.

Select the **Commenced** event, double click to open or > **Open Event(s)** [\[return to checklist\]](#)

s. 47E(d)

Event /Decision Detail opens for the Commenced event

Information Type: **Note** > **Add**

Event Additional Information Details opens

Enter the following text and 'save' [\[return to checklist\]](#)

Information

Application validly made as per Reg 2.08E or 4.15(4).

Notes

PA applied for subclass 300 and (after lodgement but before decision made on subclass 300 visa) they have married the SP. Subclass 300 RID: <## or subclass 300 applicant notified the ART of their marriage to the SP during the review process.

Event/Decision Detail returns, the note is saved and represented below.

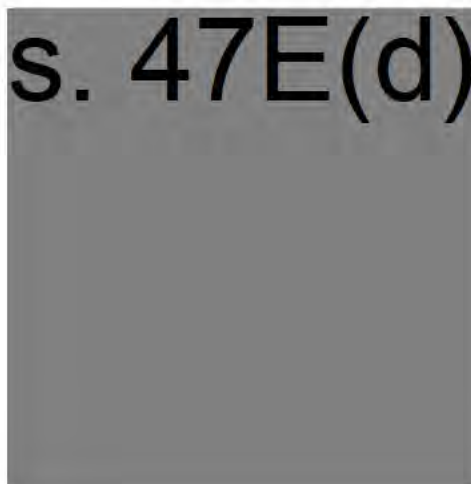
Close this screen > **Cancel**

Check Work Management Allocation point [\[return to checklist\]](#)

It is important to ensure that the newly created permission request is located in Work Management (WMAN).

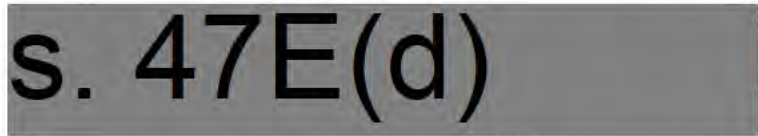
While WMAN will automatically pick up the permission request upon creation and place it in your team's allocation point, it is necessary to double check this has happened.

From the **Permission Request** menu > **Interfaces** > **Work Management** > **View Allocation History**



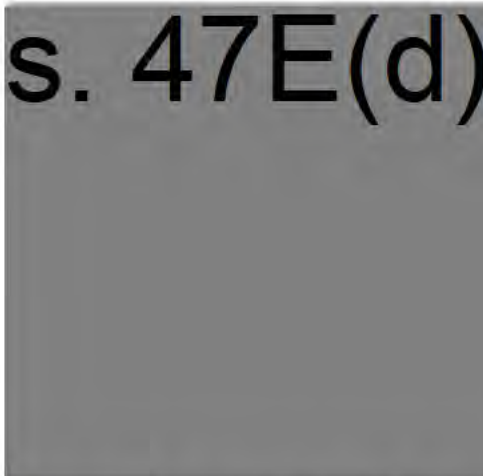
s. 47E(d)

Work Management opens in an internet browser with the current allocation point for this permission request. If the application does not appear in WMAN, proceed to allocate the permission request to your team.



s. 47E(d)

From the **Permission Request** menu > **Interfaces** > **Work Management** > **Allocate to My Team**



s. 47E(d)

If DMs encounter any further issues with WMAN allocating the permission request to their team, please seek assistance from a supervisor before moving on to the next step.

2. Copy over relevant information from the subclass 300 permission request to the subclass 309/100 [\[return to checklist\]](#)

- **Communication:** Contact details for the application (Email and Electronic Authorisation)
- **Record Keeping:** TRIM reference number (Box/File No: BCC)
 - o Including end dating the reference in the subclass 300 permission request
- **Authorised Representative/Contact:** If relevant, add Agent, Legal Practitioner or Authorised Contact details

Gather information from the 300 permission request

Return to the subclass 300 permission request:

- Go to **Request > Additional Information to collect the following information:**
Electronic Authorisation, Email and File Ref No

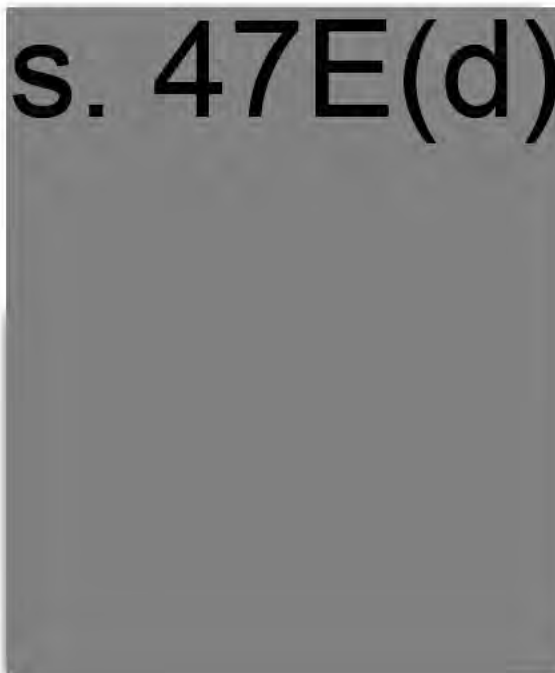


While in the **Permission Request Additional Information** screen end date the **File Ref No**

Select **File Ref No** to highlight the item then double click on **File Ref No**.

The **Request Additional Information Detail** opens.

End date this item by entering today's date to the **Effective To** field and **Save**.



From subclass 300 **Permission Request**, gather information regarding any:

- Registered Migration Agent or Legal Practitioner
- Authorised Contact.

You will need to click on the respective links to obtain the relevant details, eg. Name, address, phone number and business name.

Please Note: This information is also available in the application or subsequent correspondence (eg, Completed Form 956 - *Appointment of a registered migration agent, legal practitioner or exempt person*)

s. 47E(d)

[Return to the subclass 309/100 permission request](#)

Enter all the information you have gathered from the subclass 300 permission request:

- Contact details for the application (Electronic Authorisation and Email)
- Recordkeeping – TRIM reference number (Box/File No: - BCC)

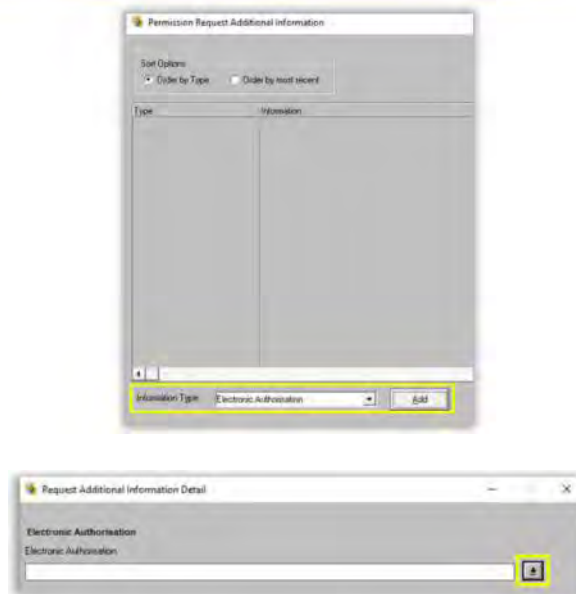
Go to **Request > Additional Information**

s. 47E(d)

From the **Permission Request Additional Information** screen, using the drop down field chooser add details for the following **Information Type > Electronic Authorisation > Add**

Please Note: Where the applicant or Registered Migration Agent / Legal Practitioner / Authorised representative has consented to receive electronic communication via email, entering the Electronic Authorisation permission into ICSE allows ECS to send any letter drafted to the applicant. If absent, any drafted correspondence in ECS will remain in draft.

[\[return to checklist\]](#)



Electronic Author opens. Choose the appropriate authorisation as per the subclass 300 permission request > **Select**.

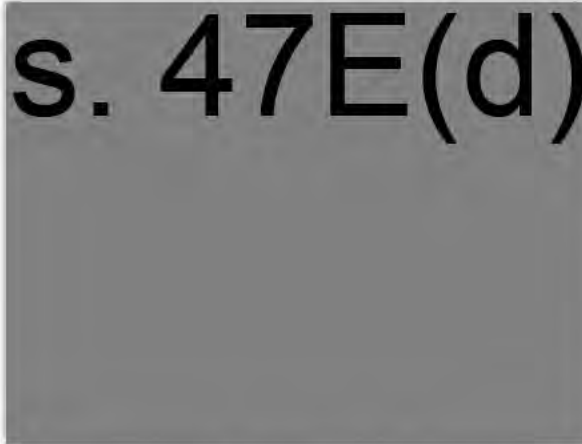


From the **Permission Request Additional Information** screen, using the drop down field chooser, **Information Type** > **Email** > **Add**



Request Additional Information Detail opens. Enter the email address that was provided in the 300 application > **Save** [\[return to checklist\]](#)

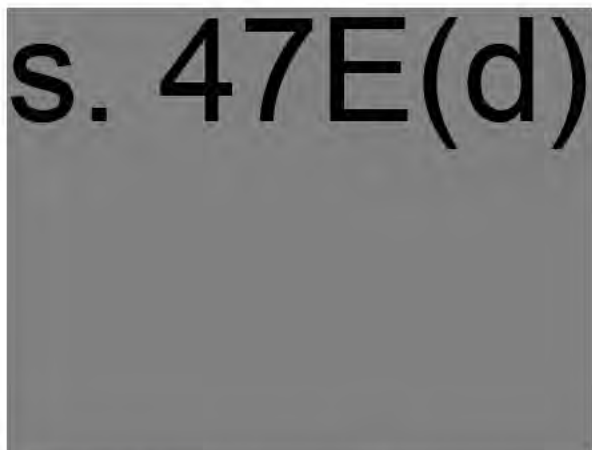
Please Note: The applicant may have informed the department of a new email address since the application was lodged. DMs need to take the necessary steps to ensure they are entering the most current details, noting that the relevant information may be attached to another pending application for the applicant - eg. Check ImmiAccount, TRIM and ICSE notes.



Add details for the following **Information Type > File Ref No > Add**



The **Request Additional Information Detail** opens. Enter the TRIM (BCC) reference number used for record keeping > **Save**



The following instruction covers the appointment of a Registered Migration Agent (RMA), Legal Practitioner or Authorised contact. If there is no representative appointed, proceed to 3. [Payment - Override Price](#)

Registered Migration Agent [\[return to checklist\]](#)

On the subclass 309/100 **Permission request** screen > **Add Event**

s. 47E(d)

Event /Decision Detail opens

Event: Agent

Qualifier: Migration Agent (Event Qualifier opens (not pictured), select the appropriate option > **Select**)

Information Type: drop down, select **MARN (Mandatory)** > **Add**

s. 47E(d)

Agent Number: enter the RMA's agent number > **Search**

s. 47E(d)

Agent Details opens with the Registered Migration Agent's details currently held by the department.

Select the preferred address as per the information in the subclass 300 application or any new relevant information (eg. Form 956 - *Appointment of a registered migration agent, legal practitioner or exempt person*) > **Confirm**

s. 47E(d)

Agent Business information opens, select the relevant **Business Name** > **Select**

s. 47E(d)

Event/Decision Detail screen returns with a summary of the detail you have just added. Check that the information is correct > **Record**

s. 47E(d)

Once the Registered Migration Agent's details have been successfully added to the permission request, the **Permission request** screen will display the Agent No and the Agent event.

Legal Practitioner [\[return to checklist\]](#)

Adding a Legal Practitioner to the subclass 309/100 permission request is almost the same process as adding a Registered Migration Agent.

Starting with the subclass 309/100 **Permission Request** screen > **Add Event**

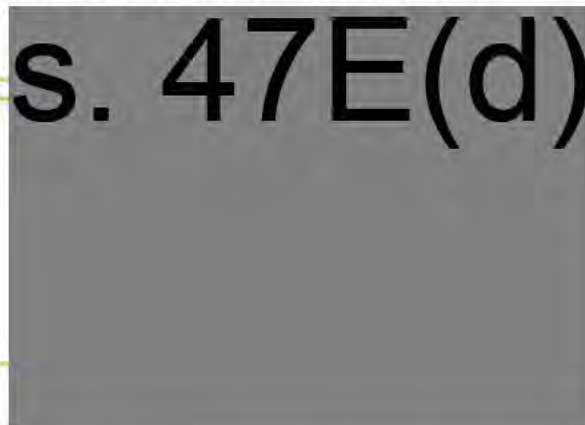


Event /Decision Detail opens

Event: Agent

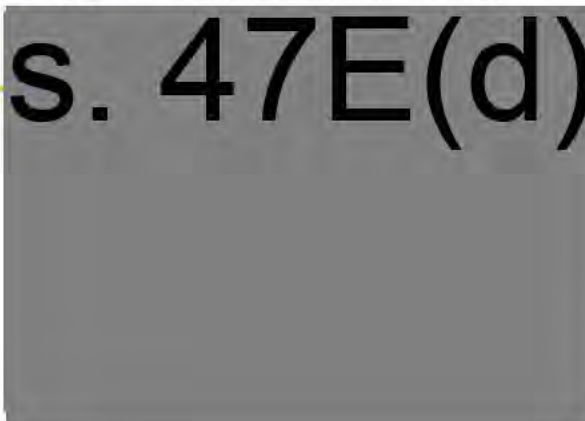
Qualifier: Legal Practitioner (Event Qualifier pop up, highlight appropriate option > **Select**)

Information Type: drop down, select **LPN (Mandatory)** > **Add**



Agent Enquiry opens.

Agent Number: Enter the Legal Practitioner's Number > **Search**



Agent Details opens with the Legal Practitioner's details currently held by the department.

Select the preferred address as per the information in the subclass 300 application or any new relevant information (eg. Form 956 - *Appointment of a registered migration agent, legal practitioner or exempt person*) > **Confirm**

s. 47E(d)

Agent Business information opens, select the relevant business name > **Select**

s. 47E(d)

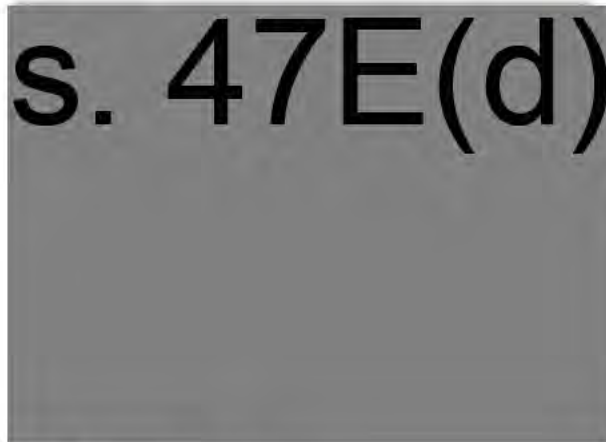
Event/Decision Detail returns with a summary of the detail you have just added. Check that the information you have selected is correct > **Record**

s. 47E(d)

Once the Legal Practitioner's details have been successfully added to the permission request, the **Permission request** screen will display the details in the Agent No and the Agent event.

Authorised Contact [\[return to checklist\]](#)

To add an Authorised Contact to the Permission request, start on the **Permission Request** screen and from the menu bar > **Request > Application Contacts (1)**



Application Contact Details opens > New

The screen will refresh, **Type:** and **Source:** fields have now updated.

Enter data that you obtained from the subclass 300 **Permission Request** or any relevant information provided by the applicant for each of the 3 tabs – **Application Contact**, **Contact Data** and **Comments**. **Comments** is used for any notes or relevant TRIM references.

Once you have entered all the relevant information to the **Application Contact Detail** screen, including each tab > **Save**.

Once the Authorised Contact's details have been added successfully to the permission request, the **Permission Request** will display a blue **Application Contact Exits** hyperlink.

s. 47E(d)

3. Payment - Override Price [\[return to checklist\]](#)

Every Permission Request requires a payment event to be recorded. The VAC paid for the subclass 300 application is taken to be the payment for the subclass 100 visa application (2.08E(3)). The current operational arrangements in relation to subregulation 2.08E(3) will continue until further notice. This means the VAC paid for the subclass 300 application is taken to be the payment for subclass 100 visa applications made under both regulation 2.08E and subregulation 4.15(4).

To ensure that the department is meeting its finance and recordkeeping obligations the VAC payment is processed through SAP and the VAC price is overridden.

Please note: It is inappropriate to unlink payments or input a Payment / Nil event in ICSE - these actions result in inquiries and investigation from our finance team.

DM System Access Requirements: Revenue and Receipting cash desk.

From the **Permission Request** screen, select **Payment > Receipt > Initial Payment**.

s. 47E(d)

SAP Revenue and Receipting opens in a internet browser, **Record Payment** window displays. **Products** section > **O/P**

s. 47E(d)

Override Product Price opens

Request a manager to override payment (staff Revenue Receipting cash desk access can only allow them to request for an override)

- o Manager: Override Product Price pop-up box
 - ☐ **Used ID and Password > *Authenticate User.***

® If unsure of password for this system, follow the instructions to s. 47E(d)

Change **Override price:** to **0.00**

***Reason for price Over change:** down down menu > **Reg2.08E (3) Partner > Save**

s. 47E(d)

Record Payment screen returns, the transaction is complete.

Payment Details section > **Create Receipt**



The option to **Print Receipt** appears, there is no need to continue further, simply close the window without printing.

s. 47E(d)

Return to ICSE, subclass 309/100 **Permission Request** screen and **Refresh** to see the **Payment** event

To ensure that there is sufficient information available for when others review the permission request in the future the next step is to ****immediately**** add a note > **Add Event**

s. 47E(d)

Event: **Note – Case** > **Add** [\[return to checklist\]](#)

s. 47E(d)

Event Additional Information Details opens. Enter the following text

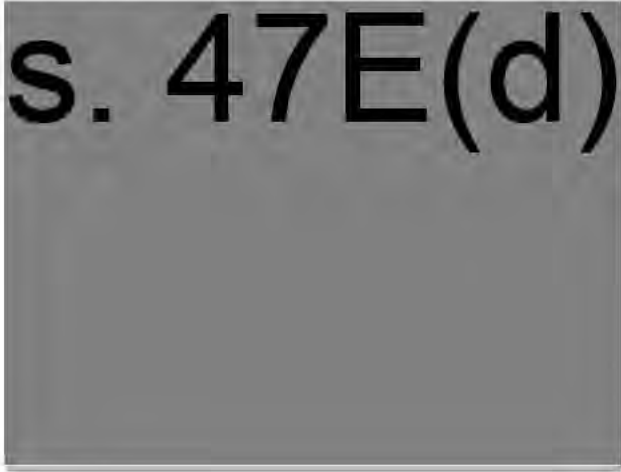
Information

\$0.00 VAC as per Reg 2.08E(3) - refer to 300 app: RID ###

As represented below:

> **Save**

s. 47E(d)



[illegible]

4. Associated Bridging Visa [\[return to checklist\]](#)

The table below sets out a few different circumstances for BV eligibility.

Applicant location	Applicant visa status	BV eligibility
Onshore	Applicant held a substantive visa when they were taken to have applied for the combined 309/100 visa application by operation of r2.08E or r4.15(4)	Eligible for a BVA in association with their combined 309/100 visa application
Onshore	Applicant did not hold a substantive visa when they were taken to have applied for the combined 309/100 visa application by operation of r2.08E or r4.15(4)	Only eligible for a BVE in association with their combined 309/100 visa application
Onshore	Applicant held a substantive visa when they were offshore and made their application for the subclass 300, which must have been made via ImmiAccount	Eligible for a BVA in association with their subclass 300 visa application

5. Notification – Acknowledgement letters [\[return to checklist\]](#)

Following the creation of the subclass 309/100 permission request in ICSE, now you must notify the applicant that they are taken to have made this application.

Acknowledgement Letters

An acknowledgement letter must be sent to all primary applicants. There are two acknowledgement letters available on SharePoint for use.

- a) For an applicant taken under 2.08E to have made an application for a subclass 309/100
- b) For an applicant taken under 4.15(4) to have made an application for a subclass 309/100

Acknowledgement letters are available in **s. 47E(d)**

s. 47E(d)

To access the acknowledgement letters, on SharePoint, navigate from the top menu: **Standard Wording > 5 .Subclass 309 Specific >**

The applicable acknowledgement letters are available as a word template in SharePoint. DMs are able to edit the applicable letter in word and copy/paste the formatted letter into ECS.

Acknowledgement letter to the Primary Applicant [\[return to checklist\]](#)

To create the letter, commence from the subclass 309/100 **Permission Request** menu > **Request > Correspondence > Launch Correspondence Portal**

s. 47E(d)

Enterprise Correspondence Service (ECS) opens in an internet browser.

Template Type: *Miscellaneous*

Template Name: *IMMI Letter*

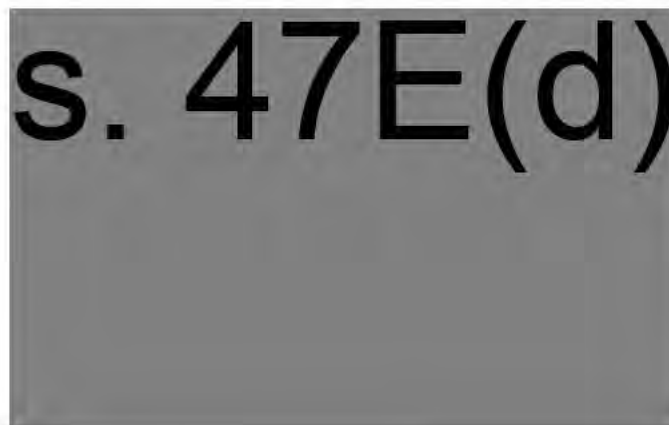
Response period: *leave it blank*



The **Create Correspondence** tab opens. On this screen check that the correspondence will go to the correct person. Check that the primary applicant has been selected > **Continue**



The **Create Correspondence** tab updates to **Manage Correspondence**. Open the *IMMI Letter* hyperlink.



The letter editor **Thunderhead** opens in another internet browser tab.

From the **Tasks menu**, select **Generic Content**

Check that the **Date of Visa application** is the date the applicant informed the department of the marriage having taken place or the date the ART remitted the application to the department.

s. 47E(d)

Select the **Generic Content** radio button and the **Generic Content** will populate the letter

s. 47E(d)

Returning to SharePoint, navigate from the **s. 47E(d)** **5. Subclass 309 Specific >**

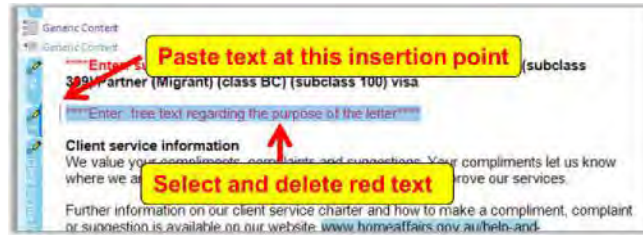
- a) Acknowledgement Prospective Marriage (subclass 300) visa to Partner (Provisional) (class UF) (subclass 309) Reg 2.08E
- b) Acknowledgement Prospective Marriage (subclass 300) visa to Partner (Provisional) (class UF) (subclass 309) Subregulation 4.15(4)

In SharePoint, click on the applicable letter link to open the word document. Edit the word document to suit the applicant's circumstances.

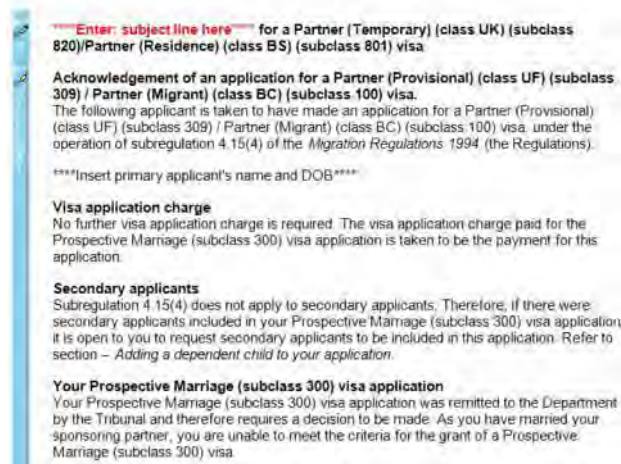
- Please ensure that options within the letter are appropriately kept/removed for the applicant's circumstances.
- Remove any instructional text.
- If email is the only option for the applicant to provide supporting documents, please ensure that the TRIM reference number (BCC) in the client details at top of the letter reflects the 309/100 application.
- Change red text to black.

Once the letter is constructed, copy/paste into the ECS IMMI letter.

Returning to the draft letter in ECS. Position the cursor before the red text > **paste**.



Paste the copied text in to the ECS letter template

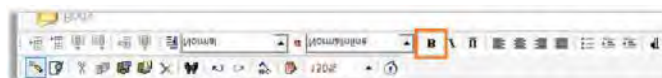


Format the letter [\[return to checklist\]](#)

To change the text colour to black, select text and from the drop down menu select **normalinline**



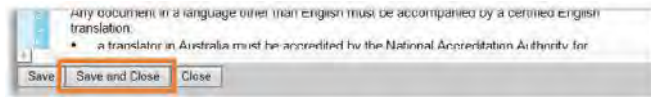
To bold text, select text and select **B** in the ribbon



Delete the letter title fragment



When satisfied that the letter includes all information relevant to the applicant and the formatting looks professional > **Save and Close**



Create Correspondence tab - Manage Correspondence returns.

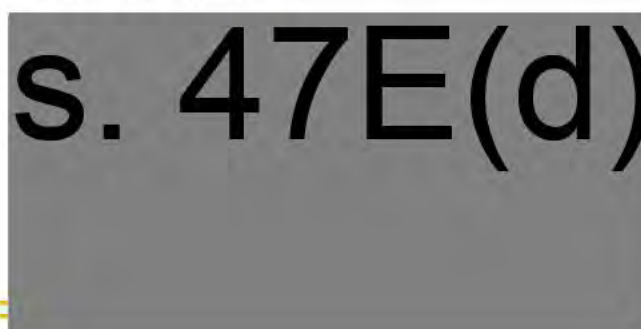
Preview the letter, making sure the letter is factually correct and the formatting is professional

> **Preview**

A PDF of the letter opens in another internet browser tab. If after review of the draft letter further edits are required, close this tab to return to the **Create Correspondence tab - Manage Correspondence** tab in the internet browser and  the **IMMI Letter** hyperlink again to make edits. When the letter is ready to send > **Send Correspondence by Email**



In ICSE there are two **Correspondence Sent (Portal)** events indicating that the correspondence is **SENT_PENDING_STORAGE** and then **SENT** indicating that the correspondence has been successfully stored in the application TRIM file



Final Notes on Regulation 2.08E and Subregulation 4.15(4)

Withdrawal

Regulation 2.08E

For applicants taken to have made the subclass 309/100 visa application under r2.08E, the primary applicant can request withdrawal of the subclass 300 for them self and any minor dependants included in the application. Where dependents are over 18 years of age they will need to request withdrawal themselves or provide their consent if the primary applicant withdraws the application on their behalf.

The Acknowledgement letter advises the applicant that they can withdraw the subclass 300 application (if they haven't already done so) or the visa will be refused. Refusal of the subclass 300 visa does not affect continued processing of the subclass 309/100 application.

To ensure that the ImmiAccount channel for the client remains open, DMs are advised to leave the subclass 300 application unfinalised in ICSE until a decision is made on the subclass 309/100

application. Finalising the subclass 300 application by actioning the withdrawal request will 'close' the application in ImmiAccount and remove the ability for the applicant to upload documents for the subclass 309/100 assessment, as the subclass 309/100 is a manually registered application in ICSE it will not appear in ImmiAccount.

The subclass 300 application is considered withdrawn by operation of law at the time the department receives the written notification from the applicant, as such we are simply choosing to administratively finalise it at a later date (with the backdate of when it actually occurred) to facilitate communication with the applicant in the most efficient and effective manner.

When there are concerns about leaving the subclass 300 case open (i.e. the case is nearing the service standard due date or an applicant or their representative has specifically requested it to be withdrawn immediately) DMs can finalise the subclass 300 (e.g. withdraw or refuse) application noting that any provision of documents by the applicant will need to be done via email.

Subregulation 4.15(4)

For applicants taken to have made the subclass 309/100 visa application under r4.15(4) (remitted by the ART), the primary applicant can request withdrawal of the subclass 300 for them self and any minor dependants included in the application. Where dependents are over 18 years of age they will need to request withdrawal themselves or provide their consent if the primary applicant withdraws the application on their behalf.

The Acknowledgement letter advises the applicant that they can withdraw the subclass 300 application (if they haven't already done so) or the visa will be refused. Refusal of the subclass 300 visa does not affect continued processing of the subclass 309/100 application.

In this case, the applicant's ImmiAccount is already closed due to the initial refusal and the subclass 300 application is therefore to be withdrawn at the time the department receives the written notification.

The applicant will need to provide all supporting documents/information via email, which is explained to them in the Acknowledgement letter.

Refusing the subclass 300 visa application

If the applicant has not requested the withdrawal of the subclass 300 application, the applicant is unable to meet the criteria for the grant of a Prospective Marriage (subclass 300) visa, specifically clause 300.215 and the application must be finalised accordingly.

Taking into account that this should occur after the subclass 309/100 visa application has been finalised to ensure the applicant can submit documents via ImmiAccount.



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Permanent Partner (BC100) Processing Guidelines (Under Review)

Visa Processing Guide

TRIM record number	ADD2020/5200776
Document owner	Permanent Partner Processing Centre
Approval date	27 July 2021
Document Contact	Permanent Partner Processing Centre s. 22(1)(a)(ii) _____@homeaffairs.gov.au

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1. Purpose

This guide is to provide procedural guidance to decision makers when assessing the Subclass BC-100 (Partner Permanent) visa.

2. Scope

This Guide covers the processes and considerations relevant to the assessment of the subclass 100 (Partner Permanent) visa. It is intended to be used by the Department of Home Affairs workers whose duties include statutory decision making relevant to the assessment of subclass 100 visa applications.

This document should be read in conjunction with the Migration Act 1958 ('the Act'), the Migration Regulations 1994 ('the Regulations') and the Procedures Advice Manual ('PAM3'), available in LEGEND. Decision Makers should also consult additional resources available on the Department's intranet page, as well as the Partner Migration SharePoint page. Access to the Partner Migration SharePoint page can be requested through a line manager.

This Guide does not provide instructional guidance on the use of departmental systems. Decision makers are strongly encouraged to use the training resources available in the Visa and Citizenship Vocational Training Pathway (VCVTP) program. Decision makers who have completed, or enrolled in, the VCVTP course may access the systems user guides on the VCVTP ICUE System User Guide wiki page. Decision makers may enrol in the VCVTP program in OurPeople.

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3. Background Principles

3.0 Adhere to the Global Case Management Model

3.0.1 The subclass 100 visa product must be assessed in accordance with the Visa and Citizenship Operating Model 2020. This model requires case management practices to adhere to Global Case Management (GCM) principals.

The core concept of Global Case Management (GCM) is to:

- Progress applications as far as possible;
- Finalise applications at the earliest opportunity; and
- Avoid unnecessary steps (e.g. requesting unnecessary referrals or documents).

3.0.2 To support GCM, the allocation and management of the caseload must be undertaken using the Work Management (WMAN) System; consistent recording of assessments must be maintained with the use of Case Note Generator (CNG); quality assurance practices are to be recorded and reported using the Evidence of Quality in Performance (EQuIP) tool.

3.1 Observe the Collective Case Management method

3.1.1 The subclass 100 visa is assessed under established Collective Case Management (CCM) methods. The CCM method, complementary to the GCM model, encourages efficiency in the progressing of applications while also ensuring the integrity of the caseload. s. 47E(d)

[REDACTED]

[REDACTED]

[REDACTED]

3.1.4 Complete applications (i.e. applications that include satisfactory evidence that the applicant[s] and sponsor meet all of the statutory requirements) should be decided upon first assessment as there is an operational efficiency in doing so.

3.1.5 s. 47E(d)

[REDACTED]

[REDACTED]

[REDACTED]

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- s. 47E(d)

[REDACTED]

[REDACTED]

[REDACTED]

3.2 Manage case allocation

- 3.2.1 Under the GCM model, cases must be allocated, tracked and managed within WMAN. Decision makers must use the “Get Next” function in WMAN and not self-allocate applications. This ensures transparency and integrity in the management of individual cases.
- 3.2.2 It is important to note that the number, complexity and general demographic of cases allocated to any decision maker at any time must be flexible to accommodate for organisational priorities as well as the individual capability of the officer. Performance expectations are set by line managers, outside of this document, as an existing element of the performance development framework.

3.3 Record consistent assessments and case notes

- 3.3.1 To support the GCM model and CCM method, subclass 100 assessments must be formulated using the Case Note Generator (CNG). Assessment text, as generated by the CNG, is to be recorded in ICSE within the ‘Assessment (Partner)’ event, using the qualifier ‘Preliminary’, and utilising a ‘note-case’ entry. An example is shown below:

- 3.3.2 Subsequent changes in client circumstances, including updates to information provided by a client/sponsor, must be recorded as ‘note-case’ entries, within the ‘Assessment – Partner’ ICSE event. This ensures a single-view record of the progress of the application.
- 3.3.3 A case note must:
- highlight the current status of a case in one location, in simple and consistently used terms
 - s. 47E(d)
 - provide a record of actions taken, and actions outstanding
 - provide sufficient evidence for a decision maker to progress, or finalise, an application
 - record the decision makers recommendations
 - record the reason for a decision

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3.3.4 To support efficiency, case notes should not duplicate any digital information that already exists in ICSE or related visa processing systems, such as client DOB, passport number etc. s. 47E(d)

3.3.4 Further guidance regarding the recording of case notes for the Permanent Partner team is provided in the 'Permanent Partner Case Notes Guidelines.'

Resources

- The CNG user guide - TRIM at ADD2019/1616760
- Permanent Partner Case Notes Guidelines – ADD2020/2609806
- *PAM3 Part 25: Visa systems, alerts and databases* - s. 47E(d)

3.4 Adhere to client service standards

3.4.1 The Department's client service charter undertakes to deliver services to clients within agreed service standards. The subclass 100 visa application assessment process, including all the interactions that decision makers have with clients, is no different. In keeping with the client service charter decision makers must, at all times:

- Work as a professional service to deliver client service while managing areas of risk;
- Treat clients with courtesy and respect;
- Be fair open and reasonable in all that we do;
- Give clients clear, accurate and timely information or help them to find it; and
- Collect, store use and disclose personal information in line with Australian privacy law.

3.5 Use primary sources of information

Despite anything in this document or any information sourced from colleagues or line managers, decision makers must ensure that their powers are exercised in accordance with the legislative and policy framework available in LEGEND.

4. Risk Management and Integrity

4.0 Risk Management

4.0.1 Risk management is a key part of decision making across visa and citizenship programs. All decision makers have a responsibility to manage risk and pursue caseload assurance (delivering the program within an acceptable level of risk).

4.0.2 The Department has a number of tools, control measures and activities to manage risk. The primary risk management systems utilised in the subclass 100 visa assessment process are listed below:

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- s. 47E(d)

4.0.3 Each of these risk systems, other than the s. 47E(d), is complemented by other departmental systems, including WMAN and HAP. As each of these systems shows a point-in-time risk of a client, it is essential that decision makers check all three systems at each of the following stages of the assessment process:

- Lodgement;
- Initial assessment;
- Subsequent assessment(s) and
- At time of decision

4.1 Initial Assessment Checks

S. 47E(d)

4.1.2 Decision makers (DM) must turn their mind to the information/narratives held within each risk management system, as this information may inform the DM of any additional scrutiny or checking that may be required. Further, the information may assist a DM in assessing whether a criteria for the subclass 100 visa is met (e.g. Eligibility criteria)

4.1.3 In addition to the above checks, decision makers should also be aware of the following:

- If the permission request has the service description "A Partner (Migrant) (applicant onshore) (BC 100)", IRIS has been used to process the s/c309.
- ICSE Offspring should be checked to see if there are any unlisted Non-migrating children (NMC), and that the correct Sponsor has been added to the Permission request for the BC100 application. Unlisted NMCs represent potential s/c445 holders and if found, further offspring checks will be required to establish if a s/c445 application has been lodged or finalise

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- s. 47E(d)

Resources:

- s. 47E(d) Procedural Instruction: ADD2018/3374987
- s. 47E(d) - ADD2017/906024.
- Enquires relating to the SCH - [s.22\(1\)\(a\)@homeaffairs.gov.au](mailto:s.22(1)(a)@homeaffairs.gov.au)

s. 47E(d)

5. Legislative Requirements for the Subclass 100 Visa

In order to meet the requirements for the grant of a subclass 100 visa, a primary applicant (PA) must satisfy all of the requirements set out in regulation 100.2. Secondary applicants must meet all of the requirements set out in regulation 100.3.

5.0. Time of Application Criteria

- 5.0.1 *Primary Applicant:* In accordance with reg. 100.21, there is no criteria to be satisfied at time of application for primary applicants.
- 5.0.2 *Secondary applicant:* reg. 100.311 requires that at time of applicant, the secondary applicant is a member of the family unit of a person who has applied for a Partner (Migrant)

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(Class BC) visa, and the Minister has not decided to grant or refuse to grant a visa to the person.

The effect of reg. 100.311 (and reg.309.311) is that once a 309 or 100 visa has been granted to the main applicant, dependent children who were not included in the Combined 309/100 cannot be added to the application after the 309 visa has been granted. Once a 309 visa has been granted, dependent children who were not included in the original application will need to apply for a Dependent Child (subclass 445) visa.

5.1 Time of Decision Criteria

5.1.1 Primary applicants must continue to be the spouse (and no longer the intended spouse) or de facto partner of their sponsor. If the sponsor is deceased at time of decision, or some other factor ends the relationship between the sponsor and the applicant, the PA may still meet the requirements for the grant of a subclass 100 visa if the relationship breakdown provisions are met.

5.1.2 Eligibility – 100.221(2)(c), 100.221(2A)(c)

Unless the applicant has been in a long term relationship with the sponsor (see reg. 100.221(5)) as defined in regulation 1.03; or one of the other exceptions apply, the applicant must wait at least 2 years from when the 309/100 application was made before being eligible for the grant of the 100 visa.

Exceptions to the eligibility requirements can be found in regulations 100.221(3), (4), (4AA), (6) and (7).

5.2 Spouse and De Facto Partner Relationship

5.2.1 Unless one of the relationship cessation provisions apply (see reg. 100.221(3), (4) and (4AA)), or the decision has been remitted by the Tribunal (see Reg. 100.221(4A)), applicants for a subclass 100 visa must be the spouse or de facto partner of the sponsoring partner.

5.2.2 In practice, this requires an assessment of whether the applicant and their sponsoring partner are in a genuine and continuing relationship, having regard to section 5F and 5BC of the Act as well as the four pillars set out in regulations 1.15A and 1.09A.

5.2.2 Spouse is defined in section 5F of the Act and Regulation 1.15A as follows:

Section 5F of the Act defines a 'spouse' relationship to be one in which two people are in a married relationship. A married relationship is not simply a relationship in which the parties can present a marriage certificate. Section 5F stipulates that two people are only in a married relationship, within the meaning of migration law, if:

- (a) they are married to each other under a marriage that is valid for the purposes of this Act; and
- (b) they have a mutual commitment to a shared life as a married couple to the exclusion of all others; and
- (c) the relationship between them is genuine and continuing; and
- (d) they:
 - (a) live together; or
 - (ii) do not live separately and apart on a permanent basis.

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Reg. 1.15A of the Regulations sets out 'the four pillars' for determining whether the conditions of s5F are met (these are discussed further below).

- 5.2.3 The meaning of 'de facto partner', for the purposes of identifying the relationship between the applicant and the sponsor, maintains a similar definition to that of a 'spouse' relationship (but for the requirement that the two people be married). The requirements are set out in section 5BC of the Act and regulation 1.09A of the Regulations.

Section 5BC of the Act defines a 'de facto partner' relationship to be one in which two people are not in a married relationship but:

- (a) they have a mutual commitment to a shared life to the exclusion of all others; and
- (b) the relationship between them is genuine and continuing; and
- (c) they:
 - (a) live together; or
 - (ii) do not live separately and apart on a permanent basis; and
- (d) they are not related by family.

Regulation 1.09A of the Regulations, when read with section 5BC of the Act, further requires decision makers to have regard to the four pillars' for determining whether the conditions of 5CB are met. (These are consistent with the requirements for a 'spouse' relationship, and are discussed below).

- 5.2.4 While decision makers can have regard to some of the evidence provided at the 309 assessment stage (e.g. Health information), a new assessment is required based on new claims and evidence obtained and dated post 309 decision. The assessment may:

- Be made based solely on the relevant documentation (as requested by the department in accordance with streamlined arrangements) provided by the applicant and their Australian partner sponsor; or
- Require further investigation such as interviewing both partners and/or examining additional relevant documentation.

5.3 Assessment of the 'four pillars' (reg. 1.15A and Reg. 1.09A)

- 5.3.1 Regulations 1.15A (spousal relationships) and 1.09A (de facto partner relationships) are comparable. These provisions require decision makers to have regard to the following matters when determining whether either relationship exists:

- the financial aspects of the relationship
- the nature of the household
- the social aspects of the relationship
- nature of the persons' commitment to each other

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5.3.2 The four pillars are not conclusive nor mandatory methods of determining whether either a spouse or de facto relationship exists. Decision makers may be satisfied that a relationship exists where evidence for only three (or two) of the pillars is provided. Further, a decision maker may consider claims and evidence – unrelated to the four pillars – in determining that a spouse relationship exists. However, decision makers must – as a minimum – draw their mind to the four pillars when assessing whether a relationship exists.

5.3.3 The financial aspects of the relationship

When assessing the financial aspects of the relationship, it is the Department's policy that the following items of evidence be considered:

- joint loan agreements for real estate, cars, major household appliances or any other agreements relating to finances or purchases (for example, property purchased by the parties as tenants in common)
- operation of joint bank accounts - evidence that the accounts have been operated with reasonable frequency and for a reasonable period of time would be given more weight than just opening such accounts
- pooling of financial resources, especially in relation to major financial commitments
- legally binding financial obligations that one party owes to the other, for example, as guarantor for a loan, existing power of attorney (these can be specified to cover various things, such as financial and medical)
- the basis of sharing day to day household expenses, for example, whether each party is responsible financially for their own expenses only and expenses are not pooled.

5.3.4 The nature of the household

When assessing the nature of the household, it is the Department's policy that the following items of evidence be considered:

- joint ownership of residential property
- joint residential leases
- joint rental receipts
- joint utilities accounts (electricity, gas, telephone)
- correspondence addressed to either or both parties at the same address
- shared responsibility for care and support of children
- shared responsibility for housework.

5.3.5 The social aspects of the relationship

When assessing the social aspects of the relationship, it is the Department's policy that the following items of evidence be considered:

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- evidence that the relationship has been declared to other government bodies and commercial/public institutions or authorities and acceptance of these declarations by these bodies
- statements of parents, family members, relatives, friends and other interested parties. Statements in the form of statutory declarations should be encouraged on the basis that, as a legal document, they carry more weight. (Note: The Department provides a specific form for this purpose - see form 888.)
- joint membership of organisations or groups, documentary evidence of joint participation in sporting, cultural, social or other activities
- joint travel and plans for the future
- whether the parties present themselves as a couple socially.

5.3.6 The nature of the persons' commitment to each other

When assessing the nature of the persons' commitment to each other, it is the Department's policy that the mutuality and length of the relationship be considered.

When considering mutuality, decision makers should have regard to the following four factors

- the duration of the relationship
- the length of time the parties have lived together
- the degree of companionship and emotional support that the parties draw from each other
- whether the parties see the relationship as for the long term.

These (mutuality) factors may be satisfied with the following material:

- the partners' knowledge of each other's personal circumstances (this could include background and family situation and could be established at interview) and/or
- evidence of intentions that the relationship be long term (for example, by the extent to which the partners have combined their affairs, and the extent to which they have provided for each other, such as being beneficiary to each other's will and/or superannuation).

DMs should consider the individual circumstances of the applicant and sponsor. The fact that the parties may not be living together should not be considered as indicating that the spouse/de facto relationship is not genuine and continuing. Rather, the fact that they are not living together should be assessed in the context of whether or not they are living 'separately and apart on a permanent basis' and forms only part of the basis on which a decision maker assesses if a spouse/de facto relationship is or is not genuine and continuing.

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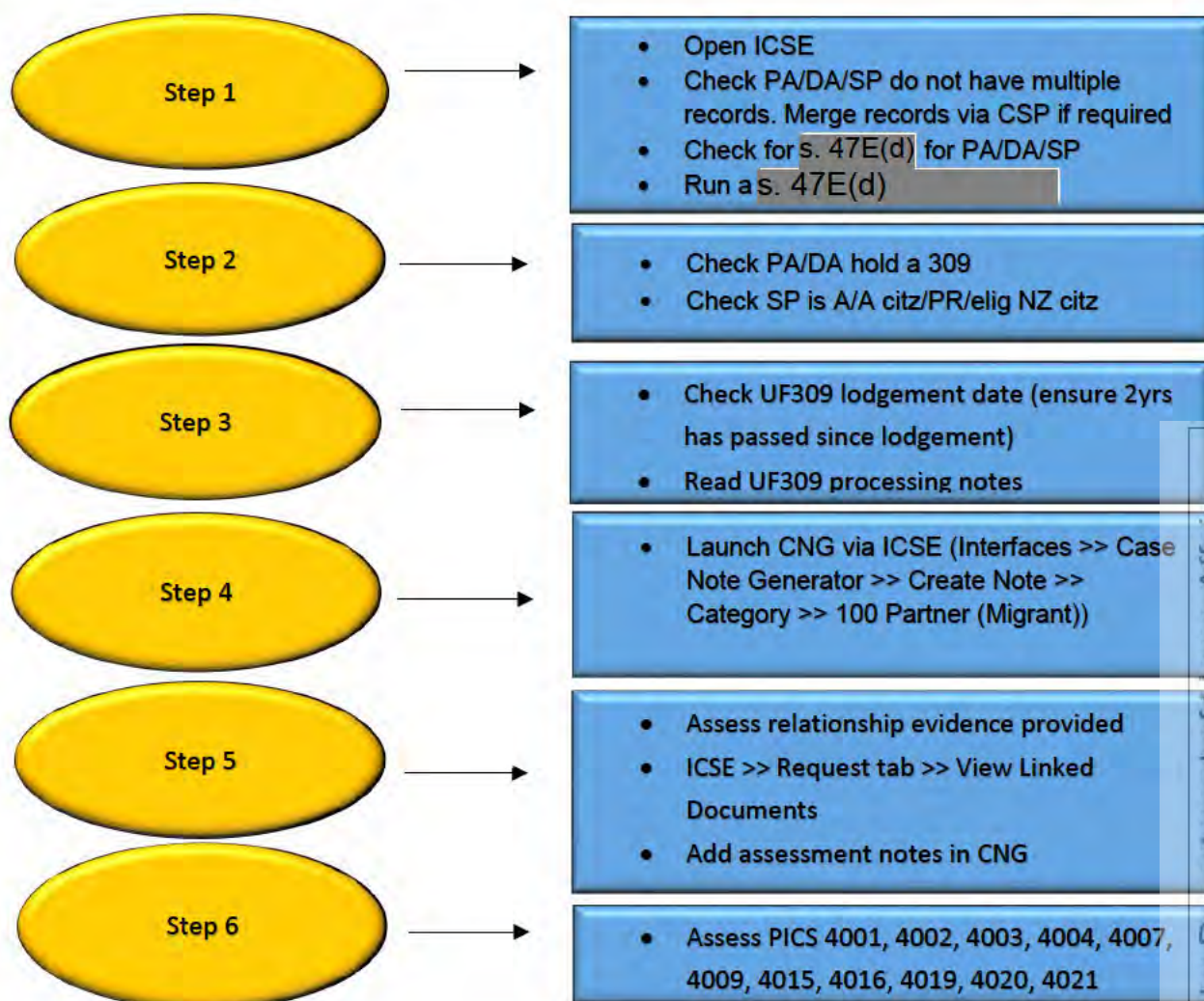
The applicant may have a valid reason for being offshore (e.g. caring for sick relative) which could be on a temporary basis. Alternatively this may indicate the relationship between the applicant and the sponsor has broken down in which case the applicant will need to be sent a "Relationship Breakdown" letter.

6. Initial Assessment Processing Steps

6.0.1 There are a number of processing steps that are undertaken by decision makers (DMs) when completing a partner assessment. In completing these steps, DMs use a number of systems and tools to assess a case, request further information and finalise an application. These include, but are not limited to:

- Integrated Client Services Environment (ICSE)
- Case Note Generator (CNG)
- Work Management (WMAN)
- Enterprise Correspondence Service (ECS)

6.0.2 The below Partner Assessment Processing Steps Flowchart sets out the key steps of completing a partner assessment.



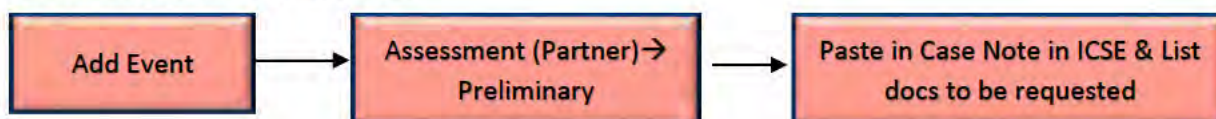
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6.1 Requesting further information

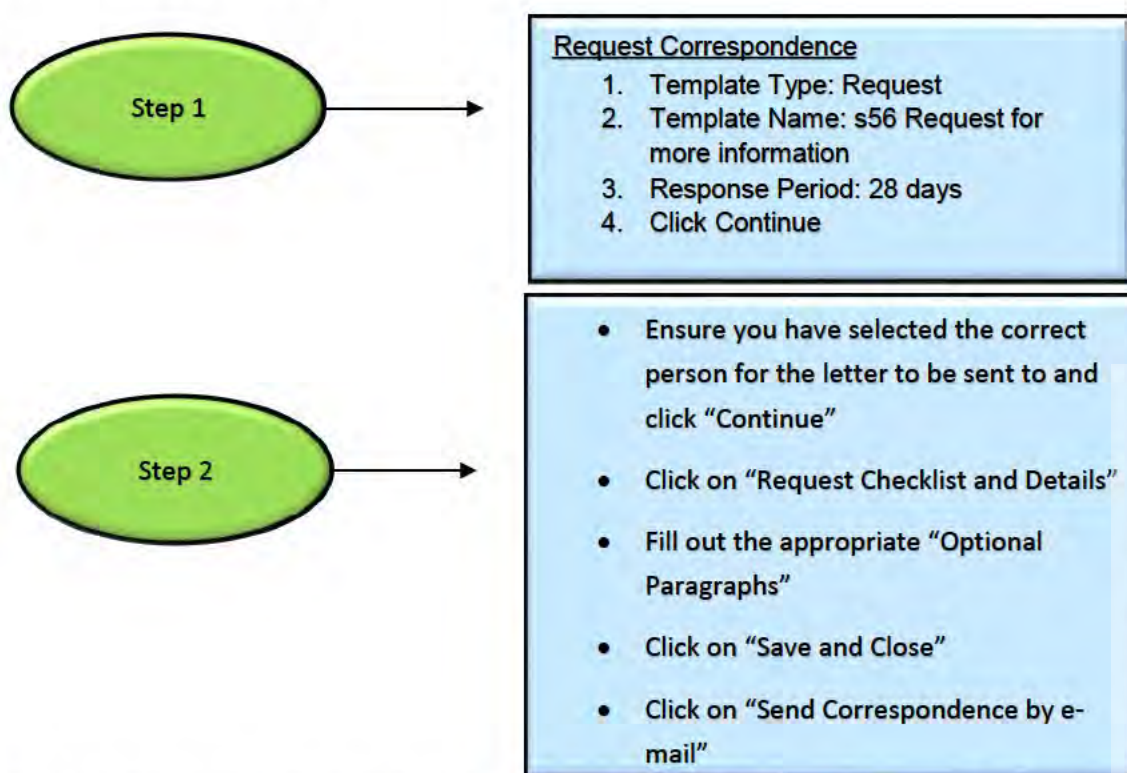
- 6.1.1. In accordance with section 56 of the Act, a decision maker may request further information if they consider it relevant. If the requested information is received, decision makers must have regard to that information in making the decision whether to grant or refuse the visa. All s56 requests must be sent via ECS as these are legally cleared templates. There are other legally cleared templates located in SharePoint.
- 6.1.2 Before generating the letter, decision makers must ensure that an assessment has been recorded in ICSE as a preliminary assessment event as follows:

Recording case note in ICSE:



- 6.1.3 The below process sets out the steps for generating a request for further information in ECS:

Generating RFI in ECS



- 6.1.4 Once the letter has been sent via ECS, additional steps must be completed in ICSE and WMAN as follows:

ICSE

Return to ICSE and complete the following steps:

- Click Add Event
- In Event: Information requested
- In Qualifier: Document Request 28 days