



Official

# Guidelines for prioritising partner visa applications on compassionate and compelling grounds.

Released by Department of Home Affairs  
under the *Freedom of Information Act 1982*

Guidelines for prioritising partner visa applications on compassionate and compelling grounds. 1

Contents 2

- Overview 3
- Compassionate circumstances 4
- Compelling reasons 5
- Compelling and compassionate circumstances affecting groups of people 6
- Circumstances which are neither compelling nor compassionate 7
- Recording consideration of priority processing 7
- Advising the outcome of the priority request 7
- Repeat priority processing requests and escalations 7
- Further advice 8
- Appendix A – Compassionate and compelling process & quick reference information 9

Version	Owner	Authorised by	TRIM ref	Date authorised
v1.0	Partner Program Management Section	Karin Maier - A/g FAS Immigration Program Division (ADD2023/3561835)	ADD2023/3626478	14 June 2023
v2.0	Partner Program Management Section –update following review	s. 22(1)(a)(ii) A/g AS Family Visas Branch	ADD2025/602205	6 January 2025

Released by Department of Home Affairs under the Freedom of Information Act 1982

## Overview

1. Ministerial Direction 102—*order for considering and disposing of Family visa applications* (the Direction) came into effect on 9 February 2023. The Direction relates to the order of considering and disposing of Family visa applications.
2. Subject to section 9, subsection 8(1)(b) of the Direction provides that for Family visa applications, applications on the basis of the primary applicant being a Partner<sup>1</sup> or a dependent child of a sponsor be given priority processing over applicants for any other Family visa<sup>2</sup>.
3. Section 9 of the Direction requires delegates of the Minister<sup>3</sup> to depart from the order of priority set out in section 8 if:
  - (a) the applicant satisfies the delegate that:
    - (i) the application involves special circumstances of a compassionate nature; and
    - (ii) there are compelling reasons to depart from the order of priority set out in section 8 of the Direction, having regard to the applicant's special circumstances (identified in section 9(a)(i) of the Direction) and to any other matters the delegate considers relevant.
4. Delegates may initiate priority processing themselves if they are satisfied there are grounds to do so, or may consider it in response to a request for priority processing to do so, from the applicant, sponsor or their agent or member of the Parliament or community organisation that have written to the Department. Delegates may also initiate priority processing to comply with advice issued by Partner Program Management requiring certain applicants or cohorts to be prioritised, for example in response to a ministerial or government priority.
5. The guidelines below provide policy advice on the circumstances which may constitute (i) special circumstances of a compassionate nature, and (ii) compelling reasons for the purpose of departing from the order of priority set out in Direction 102 when deciding a Partner category visa.
6. Section 9 of the Direction is not enlivened unless subsections 9(a)(i) **and** 9(a)(ii) exist. That is, the application must involve special circumstances of a compassionate nature; **and** there must be compelling reasons to depart from the processing order.
7. The terms *compelling* and *compassionate* are not defined in either the *Migration Act 1958* (the Act) or the *Migration Regulations 1994* (the Regulations) and the ordinary meaning of the terms has been used for the purpose of these guidelines. The Macquarie dictionary defines 'compelling' as *convincing or demanding attention or interest*, and 'compassionate' as *having or showing compassion*, where compassion has the meaning of *sympathy or a feeling of sorrow or pity for the suffering or misfortunes of another*.
8. These guidelines do not give an exhaustive list of circumstances and reasons that may be considered compelling or compassionate, but rather to provide a framework for officers to work within to achieve a greater degree of consistency and fairness in decision making. If officers are presented with circumstances which do not appear to fall within those set out in this policy framework, they should still consider whether these circumstances reasonably meet the general and ordinary meanings of 'compassionate' and 'compelling'.

<sup>1</sup> Partner visa applicants include married, de facto and prospective marriage applicants.

<sup>2</sup> There is one exception to this: family visa applications where the Minister has exercised powers of intervention under sections 351 and 417 of the Act. Subsection 8(1)(a) of Direction 102 provides that these family visa applications receive highest priority.

<sup>3</sup> Enlivening Section 9 of Direction 102 will usually be authorised by Family Visas Branch officers at or above the EL1 classification.

## Compassionate circumstances

9. Officers should, in the first instance, determine if the application involves circumstances of a compassionate nature.
10. Under policy, a *long-term partner relationship* that existed at the time of application is to be considered a *compassionate circumstance*. Regulation 1.03 of the Regulations defines *long-term partner relationship* as one that has continued for at least three years or, if the couple has a child, two years. In addition, the Partner (subclasses 100 and 801) Regulations exempt applicants who are in a long-term partner relationship from waiting a minimum of two years from the date of application in order to have their permanent visa granted. Noting this, it would be contrary to the intent of the Regulations to not recognise the unique nature of long-term partner relationships or not afford them the priority processing.
11. It should be noted that:
- (a) the policy position above applies to circumstances where the applicant was in a *long-term partner relationship* at the time of application. It does not apply to instances where the applicant meets the definition of *long term partner relationship* after time of lodgement but before grant (for example, the couple has a child or the relationship reaches two years after the application is lodged); and
  - (b) a decision to prioritise processing of an application does not mean the visa will be granted, and it remains open to a delegate to refuse the application if a criterion is not met.
12. Other examples of compassionate circumstances include but are not limited to the following:
- The sponsor requires assistance because they, or a member of their family for whom they care, has a serious or terminal illness or a disability<sup>4</sup>;
  - Complications that may threaten the health of mother or baby during in the applicant's or sponsor's pregnancy;
  - All Lesbian, Gay, Bisexual, Transgender, Queer or Intersex (LGBTQI) couples, where one or both parties reside in a country that does not permit or recognise same sex relationships;
  - Situations where incorrect information/advice was given by the Department which resulted in an unfair or unreasonable outcome for the applicant or sponsor;
  - The applicant resides in a country that is or has been subject to an international emergency response that Australia is/was party to (e.g. evacuation due to war or civil unrest);
  - The applicant's safety may be at risk due to conflict or natural disaster, and there are individual circumstances that set their circumstances apart from others residing in the same location (see paragraphs 23- 24)
  - The applicant has claimed to be affected by family violence;
  - The sponsor has claimed to be affected by family violence perpetrated by the visa applicant;
  - The applicant(s)' medicals will expire and cannot be extended (where the Department has requested);
  - Possible separation of family where:
    - dependent applicant will exceed 23 year age limit to be granted a visa and their application was lodged more than 12 months ago;
    - The applicant holds a Humanitarian Stay (temporary) (subclass 449) visa which will likely expire before the Partner visa is decided.

<sup>4</sup> The definition of disability derives from item (a) of the definition of disability in the *Disability Discrimination Act 1992*, under which disability in relation to a person means, "...total or partial loss of the person's bodily or mental functions"

Where there is a serious/terminal illness or disability, medical evidence will be required.

13. IMPORTANT: Delegates should escalate matters involving claims of family violence to their immediate manager as soon as practicable as a first step. Document 1

14. In considering the above or other compassionate circumstances not covered in the above examples, delegates should be aware that, unlike the *long-term partner relationship*, the circumstances do not necessarily need to have existed at the time of application. Rather, the compassionate circumstances may have existed before, at or after the time of application.

**15. Where a delegate is satisfied the application involves special circumstances of a compassionate nature, the delegate must turn their mind to whether there are compelling reasons exist to depart from the order of priority set out in section 8 of the Direction.**

### Compelling reasons

16. As stated above, an application cannot be prioritised unless the application involves special circumstances of a compassionate nature; **and** compelling reasons to depart from the processing order exist.

- If you have assessed the case and it does not contain compassionate elements, you do not need to consider compelling grounds.

17. For the purpose of subsection 9(a)(ii) of the Direction, *compelling reasons* include but are not limited to ones which:

- give effect or assist in giving effect to Government priorities;
- give effect or assist in giving effect to Charter letter and/or other commitments by the Department to Government; or
- the processing time has exceeded the 90<sup>th</sup> percentile under the global processing times; or
- adversely affect the wellbeing of the sponsor and or their children (e.g. health and welfare needs which cannot be met by other family members, friends or service providers); or
- affect the best interests of Australia; or
- any other circumstance which may be considered compelling.

18. Situations may arise where processing officers may be satisfied that expediting a visa process would be in Australia's best interest<sup>5</sup>. While these situations are expected to be rare and uncommon within the Partner and Prospective Marriage caseload, they may nonetheless exist, and policy allows for these cases to be given priority processing. This is because the general view is that the interests of the wider community or Australia as a whole override the interests of individuals such as other visa applicants.

19. Officers are not expected to go out of their way to find cases where priority processing of the visa application would be in Australia's best interest. However, where these cases are brought to their attention either by the sponsor, applicant or a third party; officers should consider these circumstances favourably. Where officers are satisfied that such circumstances exist, they should proceed to process the application as soon as practically possible.

20. Similarly, officers should not feel compelled to possess special skills or knowledge or spend a great deal of time researching information or facts to satisfy themselves

---

<sup>5</sup> For example, the sponsor/applicant have occupational skills in high demand (refer to the Medium and Long-term Strategic Skills List (MLTSSL) of the Skilled Occupation List)

that the priority processing of the visa application would be in Australia's best interest. Generally speaking, the onus is on the applicant, sponsor or third party requesting expedition of the process to provide as much information as possible. In some cases, publicly available information, common knowledge of Government initiatives and priorities may assist officers to make a decision. It is also open to officers, at their discretion, to request additional information from the party making the request or consult with other areas of the Department (e.g. Skilled Migration) to verify the information they have before them.

21. It should be noted that while a request to expedite these cases will generally be initiated by the applicant, sponsor or a third party, it is open to officers to decide to expedite the processing of a partner or prospective marriage visa application even where no formal request has been made, that is, where officers assess, based on the facts before them, that the expedited processing of the visa application would be in the best interest of Australia.
22. Examples of compelling reasons affecting the interest of Australia include but are not limited to cases where:
  - the visa applicant has specialised skills that would assist Australia post crisis, emergency or pandemic recovery; or
  - the visa applicant has an offer of employment to fill a position which requires skills that are in short supply, for example, in remote regions of Australia; or
  - the applicant possesses a distinguished talent (e.g. an elite athlete) and facilitating the grant of the visa would enable them to represent Australia in national or international events, or provide some other broader benefit to the Australian community.

### Compelling and compassionate circumstances affecting groups of people

23. Situations may arise where applications made by people with similar circumstances *all* fall within the scope of section 9 of the Direction, in that they all involve special circumstances of a compassionate nature; and there are compelling reasons to depart from the order of priority set out in section 8 of the Direction. Examples of such cases include but are not limited to:
  - Partner visa applicants who, under the previous Ministerial Direction 80 were afforded lowest processing priority; and
  - Partner visa applicants impacted by circumstances affecting a group of people and not individuals; for example, war, civil unrest, natural disaster.
24. Where this is the case, delegates should process applications in order of the date on which the application was made, with older applications processed ahead of those lodged more recently, unless the applicant can demonstrate that the *special circumstances of a compassionate nature and the compelling reasons* affect them individually in a way that sets them apart from other applicants in the group. This will ensure applications are progressed in a fair, reasonable and equitable manner, and no applicant is given an unfair advantage over others without a valid reason.
25. Furthermore, the Department may be guided by the Government's position in relation to certain cohorts, for example, a commitment to prioritise applications by Ukrainian citizens or by Afghan nationals.
26. Where this may be the case, Partner Program Management will:
  - provide advice about temporary processing arrangements that may be put in place to complement the advice in these guidelines;
  - include a copy of the temporary processing arrangements as an Appendix to these guidelines; and
  - update the temporary processing arrangements as required.

## Circumstances which are neither compelling nor compassionate

27. While circumstances should be assessed on a case by case basis, under policy, the following circumstances alone would **not** be considered compelling or compassionate, unless other factors exist to support them:

- Financial hardship;
- Intending to start a family;
- Pregnancy;
- Access to English language classes and/or Commonwealth funded study programs;
- Pain and suffering of separation;
- Employment;
- Travel;
- Pre-arranged wedding plans;
- Passport due to expire.

## Recording consideration of priority processing

28. Delegates should record a brief case note about their assessment of priority processing and their decision to prioritise/not prioritise. A clear and concise record informs others that the matter has been considered and assists areas including program management, the parliamentary liaison network and the Global Feedback Unit in responding to enquiries and complaints received.

## Advising the outcome of the priority request

29. Where a delegate has decided not to prioritise the application on compassionate and compelling grounds, this should be communicated to the applicant as soon as practicable. The following text can be used to do so...

*Dear XXXX*

*Thank you for your communication of <date>, concerning priority processing on compassionate and compelling grounds for <application details>.*

*Requests for priority consideration from Partner visa applicants are very common. As a result, to be considered for priority processing ahead of other applicants who lodged their applications earlier, the nature of circumstances presented as compassionate needs to meet a high threshold and be an exception to the circumstances faced by the majority of Partner applicants who may also be separated from their partner/spouse.*

*The information provided with your prioritisation request has been considered, and has not met the threshold for prioritisation.*

*While it is open to you to submit a further request for prioritisation, the Department will only reconsider priority processing where new and relevant information regarding the applicant's or sponsor's circumstances exist, and supporting evidence can be provided.*

## Repeat priority processing requests and escalations

30. In instances where a request for priority processing has been considered and not approved, and where an applicant/legal representative submits a subsequent priority processing request for the same application, delegates need only reconsider priority processing where new and relevant information regarding the

applicant's circumstances have been provided or where some of the information that was provided previously has not been considered fully.

Document 1

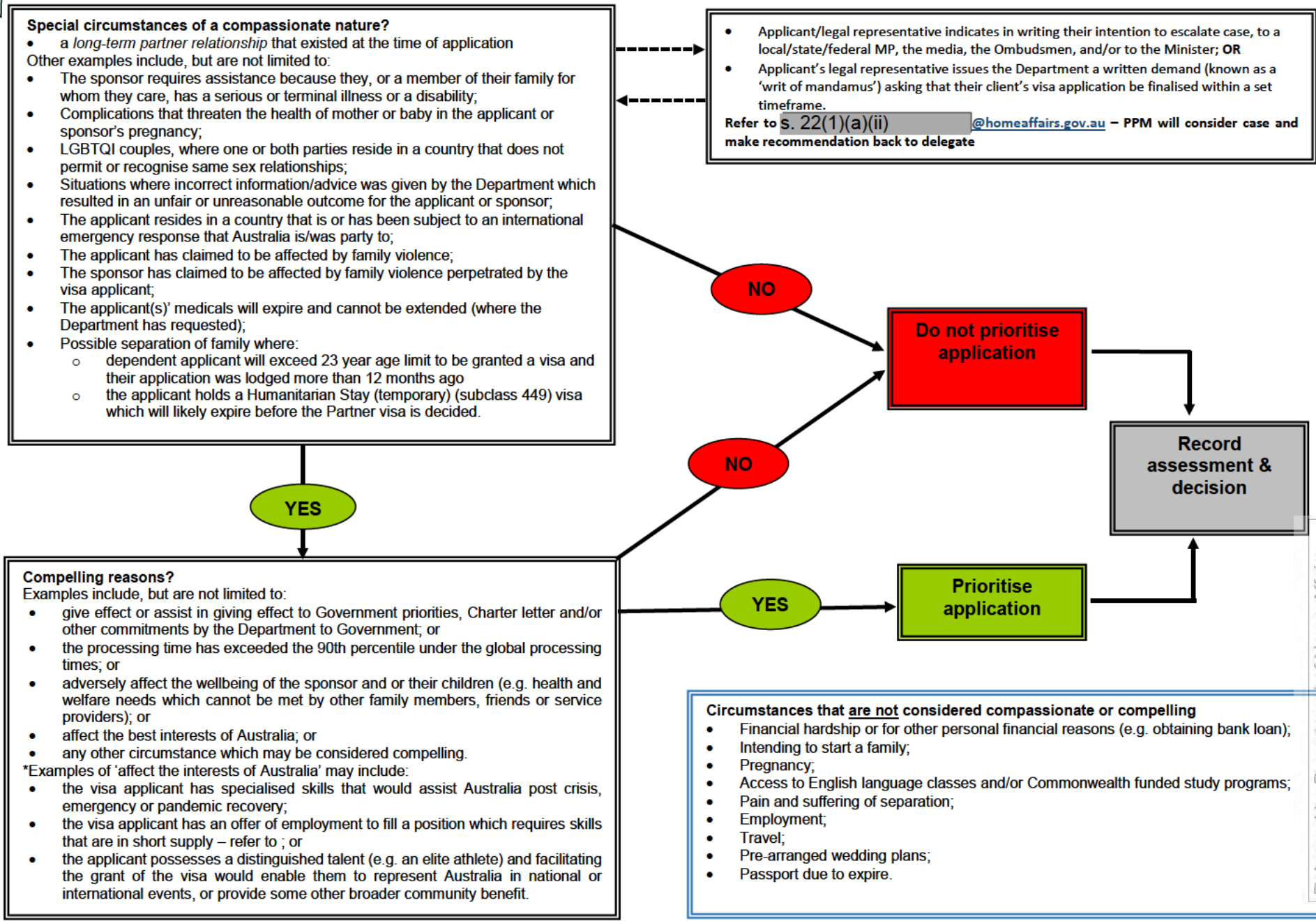
31. There may be instances where an applicant/ legal representative indicate in writing their intention to escalate their case, usually to a local/state/federal MP, the media, the Ombudsman, and/or to the Minister. In these instances, the details of the case, including a copy of the correspondence in which escalation of the case has been raised, should be emailed to s. 22(1)(a)(ii)@homeaffairs.gov.au.
- Partner Program Management will consider the case and any sensitivities it may raise, and may, in some circumstances make a recommendation to the delegate that the case be prioritised on compassionate and compelling grounds.
32. There may also be instances where, on the basis of claimed unreasonable delays in deciding a Partner visa application, an applicant's legal representative issues the Department a written demand (known as a 'writ of mandamus') asking that their client's visa application be finalised within a set timeframe. In these instances, the details of the case and the written demand should be emailed to s. 22(1)(a)(ii)@homeaffairs.gov.au
- Cases should be raised with Partner Program Management as soon as possible to allow a timely response to the letter of demand.
  - Partner Program Management may also need seek formal legal guidance, which may delay responses.

#### Further advice

33. Partner Program Management is responsible for updating and maintaining the currency of these guidelines.
34. For questions and/or additional advice on priority processing matters, including advice on circumstances not listed in these guidelines, please email s. 22(1)(a)(ii)@homeaffairs.gov.au



# Appendix A – Compassionate and compelling process & quick reference information



**From:**  
**To:**

s. 22(1)(a)(ii)

**Cc:**

**Subject:**

PPM 2024-25 - 46 Notification of update to Guidelines for prioritising partner and prospective marriage visa applications on compassionate and compelling grounds [SEC=OFFICIAL]

**Date:**

Tuesday, 28 January 2025 10:17:30 AM

**Attachments:**

[image002.jpg](#)

[Guidelines for prioritising ~ on compelling and compassionate grounds v2.0.tr5](#)

## OFFICIAL

**FOR ATTENTION OF:**

All SMOs/PMOs/CMOs

Directors and Assistant Directors Onshore Partner network

**Cc:**

Regional Directors

Partner Delivery Support

Family Program Management

Family Visas Policy

Domestic Family Violence Support

**IMPORTANCE:**

Medium

**ACTION REQUIRED:**

Bring this to the attention of all Partner processing officers.

**SUBJECT:**

Updated guidelines for prioritising partner and prospective marriage visa applications on compassionate and compelling grounds

**AUTHORISED BY:**

s. 22(1)(a)(ii) Director, Partner Program Management

### Background

On 9 February 2023, the Australian Government revoked Ministerial Direction (Direction 80) and replaced it with Ministerial Direction 102 (Direction 102). Direction 102 removes the lowest processing priority that Direction 80 had imposed on applications where the sponsor is a permanent visa holder who entered Australia as an unlawful maritime arrival. Direction 102 provides that, unless the Minister has exercised powers of intervention under the *Migration Act 1958*, Family visa applications where the primary applicant is a Partner or a dependent child of a sponsor be given priority processing over applicants for any other Family visa.

Direction 102 contains a provision that allows a delegate to depart from the order of priority set if the applicant satisfies the delegate that:

- the application involves special circumstances of a compassionate nature; and
- there are compelling reasons to depart from the order of priority, having regard to the applicant's special circumstances and to any other matters the delegate considers relevant.

The **Guidelines for prioritising partner and prospective marriage visa applications on compassionate and compelling grounds** (the Guidelines) ~~have been~~ were developed and have now been updated to ensure consistency among the global partner processing network in interpreting and applying provisions of Direction 102. The Guidelines provide policy advice to delegates on the circumstances which may constitute special circumstances of a compassionate nature, and compelling reasons for the purpose of departing from the order of priority set out in Direction 102. It is not the intention of the Guidelines to give an exhaustive list of circumstances that may be considered compelling or compassionate, rather to provide a framework for officers to work within to achieve a greater degree of consistency and fairness in decision-making.

The Guidelines apply to first and second stage Partner visa processing.

**Action**

For dissemination to relevant officers assessing requests for priority processing under compassionate and compelling circumstances.

The updated Guideline is now available via the attached TRIM link ([ADD2025/602205](#)).

Further information will also be available on the [Partner Program Management Sharepoint](#) site.

**Further Information**

Kind regards,

Partner Program Management  
Family Visas Branch | Immigration Programs Division  
Immigration & Settlement Services Group  
Department of Home Affairs

Acknowledgement of Country Signature Block Graphic 2022



**OFFICIAL**

**OFFICIAL**

Released by Department of Home Affairs  
under the Freedom of Information Act 1982

**From:****To:****Cc:****s. 22(1)(a)(ii)****Subject:**

Guidelines for prioritising partner and prospective marriage visa applications on compassionate and compelling grounds [SEC=OFFICIAL]

**Date:**

Monday, 26 June 2023 5:14:00 PM

**Attachments:**[Guidelines for prioritising partner visa applications on compassionate and compelling grounds.tr5 image001.jpg](#)**OFFICIAL****FOR ATTENTION OF:**

All SMOs/PMOs/CMOs

Directors and Assistant Directors Onshore Partner network

**Cc:**

Regional Directors

Partner Delivery Support

Family Program Management

Family Visas Policy

Domestic Family Violence Support

**IMPORTANCE:**

Medium

**ACTION REQUIRED:**

Bring this to the attention of all Partner processing officers.

**SUBJECT:**

Guidelines for prioritising partner and prospective marriage visa applications on compassionate and compelling grounds

**AUTHORISED BY:****s. 22(1)(a)(ii)** A/g Director, Partner Program Management**Background**

On 9 February 2023, the Australian Government revoked Ministerial Direction (Direction 80) and replaced it with Ministerial Direction 102 (Direction 102). Direction 102 removes the lowest processing priority that Direction 80 had imposed on applications where the sponsor is a permanent visa holder who entered Australia as an unlawful maritime arrival. Direction 102 provides that, unless the Minister has exercised powers of intervention under the *Migration Act 1958*, Family visa applications where the primary applicant is a Partner or a dependent child of a sponsor be given priority processing over applicants for any other Family visa.

Direction 102 contains a provision that allows a delegate to depart from the order of priority set if the applicant satisfies the delegate that:

- the application involves special circumstances of a compassionate nature; and
- there are compelling reasons to depart from the order of priority, having regard to the applicant's special circumstances and to any other matters the delegate considers relevant.

The ***Guidelines for prioritising partner and prospective marriage visa applications on compassionate and compelling grounds*** (the Guidelines) have been developed to ensure consistency among the global partner processing network in interpreting and applying provisions

of Direction 102. The Guidelines provide policy advice to delegates on the circumstances which may constitute special circumstances of a compassionate nature, and compelling reasons for the purpose of departing from the order of priority set out in Direction 102. It is not the intention of the Guidelines to give an exhaustive list of circumstances that may be considered compelling or compassionate, rather to provide a framework for officers to work within to achieve a greater degree of consistency and fairness in decision-making.

The Guidelines apply to first and second stage Partner visa processing.

### Action

Delegates should consider prioritising Partner and Prospective marriage visa applications in accordance with the Guidelines, copy of which is attached.

Delegates may prioritise an application because a direct request to do has been made by the applicant or a third party (including PPM where a case is identified through enquiries received or when drafting responses to ministerial correspondence) or they may prioritise because they have identified a case as falling within the guidelines for prioritising.

For an application to be considered for priority processing, it **must have** two key elements:

1. The application involves special circumstances of a compassionate nature **AND**
2. There are compelling reasons to depart from the order of priority.

In summary, compassionate circumstances include but are not limited to:

- The applicant is in a long-term partner relationship at the time of application (as defined in Regulation 1.03)
- There is a child of the relationship (even if the relationship is not long term)
- The sponsor requires their partner's assistance because they/a member of their family for whom they care has a terminal illness or a disability
- There are complications in the applicant or sponsor's pregnancy
- Same sex couples where one or both parties reside in a country that does not permit same sex relationships
- Situations where unintended consequences of departmental processes would cause an unfair or unreasonable outcome for the applicant or sponsor (e.g. incorrect advice was given by the Department)
- Situations where family violence is claimed
- The applicant(s)' medicals will expire and cannot be extended
- Dependent applicant will likely exceed 23 year age limit to be granted a visa
- The processing time has exceeded the 90th percentile under the [global processing times](#) for the visa subclass
- The applicant holds a Humanitarian Stay (temporary) (subclass 449) visa which will likely expire before the Partner visa is decided.

Compelling reasons include but are not limited to ones which:

- give effect or assist in giving effect to Government priorities, Charter letter and/or other commitments by the Department to Government
- reduce processing times to be within the 50th percentile
- lead to greater processing efficiencies
- adversely affect the interests of the sponsor
- affect the best interests of Australia.

**IMPORTANT:** For an application where 'compassionate' circumstances have been shown, the

Guidelines support a broader interpretation of ‘compelling’ circumstances...noting that doing so will better meet the expectations of the Australian community and the Government’s commitment to reduce visa backlogs and processing times. For example, if an applicant has a health clearance that will expire and cannot be extended, these Guidelines would support priority assessment, as doing so would:

- save the applicant from arranging, attending and paying for a new medical (compassionate grounds), and
- be consistent with efficient visa processing and contribute to reduced processing times (compelling grounds).

In addition, to ensure we support the Government’s commitments to reduce backlogs and processing times for Afghans, tailored priority arrangements for the Afghan caseload have been set out in the Guideline (Appendix B).

**Further Information**

The Guideline is now available via the attached TRIM link ([ADD2023/3626478](#)). Further information will also be available on the [Partner Program Management Sharepoint](#) site.

Kind regards,

Partner Program Management  
Family Visas Branch | Immigration Programs Division  
Immigration & Settlement Services Group  
Department of Home Affairs

Acknowledgement of Country Signature Block Graphic 2022



**OFFICIAL**

Released by Department of Home Affairs  
under the Freedom of Information Act 1982