



Freedom of Information Request – FA 26/05/00954

Question 1. The total number of subclass 870 visa applications that have been granted priority processing based on exceptional circumstances where the applicants were in Australia (onshore) during the past five years.

The Department's suite of reporting does not contain data on approvals of priority processing requests for Sponsored Parent (Temporary) (subclass 870) visa (SPTV) applications and associated Parent Sponsorship applications, including whether applicants were in Australia at time of application.

Question 2. De-identified summaries of the circumstances that resulted in those requests being approved, including the medical, compassionate, family, humanitarian or other exceptional factors that were considered by the Department.

The Department's suite of reporting does not contain summaries of, or reasons for, approvals of permission to apply in Australia requests.

Question 3. Any policies, guidelines, procedures, decision-making frameworks, ministerial directions, practice instructions, or internal documents used by officers when assessing requests for priority processing under exceptional circumstances for subclass 870 visa applications.

The Sponsored Parent (Temporary) (Subclass 870) visa (SPTV) – Parent Sponsorship Procedural Instruction provides policy and guidelines for assessing 'permission to apply in Australia' assessments.

Specifically, section 3.8 **Assessing requests for permission to apply for a SPTV while in Australia** refers:

A request for permission to apply in Australia must be supported with detailed information outlining the circumstances relevant to the request. Under policy, permission may only be given to apply in Australia in exceptional circumstances where the parent is physically unable to depart Australia such as, for example:

- a natural disaster preventing travel to parent's home country (e.g. ongoing ash cloud due to a volcanic eruption, pandemic or war for which there is independent evidence);*

- *an accident or serious illness (there must be medical evidence provided with the request).*
 - *Note: to meet the policy intent, a letter from a general practitioner (GP) recommending that the person remain in Australia for non-specific health reasons or due to frailty, old age or the need to remain with Australian relatives due to having no other close relatives overseas, is not sufficient. The applicant must provide medical evidence specifying a serious injury or health condition that would physically prevent their departure. A specialist's letter should be given greater weight than one from a GP.*

Under policy, permission to apply in Australia must generally not be approved if the reason given is that:

- *the parent does not want to travel because of the cost and inconvenience;*
- *the parent's home country, or country of usual residence, is a low- or middle-income country with government and health services of a lower standard than Australia's;*
- *the parent wishes to remain in Australia because a family member is due to give birth;*
- *the parent is providing care to a relative, including childcare;*
- *the parent wishes to attend an event, such as a wedding;*
- *the parent claims to lack support or family outside of Australia;*
- *the parent's spouse is deceased;*
- *departure of the parent is not convenient for the sponsor;*
- *the parent has sold their assets in their home country, and set themselves up in Australia in anticipation of being able to apply for and be granted another visa without leaving Australia;*
- *the prospective visa applicant has failed to meet the health requirement in relation to another visa application.*

Question 4. Any documents recording changes to the interpretation, policy or assessment criteria used to determine exceptional circumstances or priority processing requests for subclass 870 visa applications during the past five years.

Between 2021 and 2023, the impacts of the COVID-19 pandemic were considered when assessing requests for permission to apply in Australia. This was implemented as an interim policy and is no longer in effect. Applicants are now required to satisfy the relevant policy requirements as referred under section **3.8 Assessing requests for permission to apply for a SPTV while in Australia** of the Sponsored Parent (Temporary)(Subclass 870) visa (SPTV) – Parent Sponsorship Procedural Instruction.

Notes:

1. Source: Department of Home Affairs (internal documents)

Caveats:

- *This information is provided for the specific purpose of this request.*