Australian Government
Department of Home Affairs

Official

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

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

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Version	Owner	Authorised by	TRIM ref	Date authorised
v1.0	Partner Program Management Section	Karin Maier - A/g FAS Immigration Program Division s. 22(1)(a)(ii)	s. 22(1)(a)(ii)	14 June 2023
v2.0	Partner Program Management Section –update following review	s. 22(1)(a)(ii) A/g AS Family Visas Branch	s. 22(1)(a)(ii)	6 January 2025
V2.1	Partner Program Management Section – change to Footnote 3 on page 3	s. 22(1)(a)(ii) Director Partner Program Management	s. 22(1)(a)(ii)	24 October 2025
V3.0	Partner Visa Program Management Section – Commencement of MD117	s. 22(1)(a)(ii) Director Partner Visa Program Management	s. 22(1)(a)(ii)	July 2026

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Overview

1. Ministerial Direction 117—*order for considering and disposing of Family visa applications* (the Direction) came into effect on 25 July 2026. The Direction relates to the order of considering and disposing of Family visa applications.

2. Subject to section 9, subsection 8(2) and (4) of the Direction set out the order of priority for considering and disposing of Family visa applications, with applications covered by paragraph 8(2)(a), where the applicant is a primary applicant in Australia at the time of application and where the visa can be granted where the applicant is in Australia, having higher priority than applications covered by paragraph 8(2)(b) – where the applicant either is outside Australia at the time of application or must be outside Australia at the time of grant.

3. Subsection 8(3) provides that for Family visa applications, applications on the basis of the primary applicant being a Partner[1] or a dependent child of a sponsor be given priority processing over applicants for any other Family visa[2].

4. Section 9 of the Direction requires delegates of the Minister[3] 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.

5. 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 Visa Program Management requiring certain applicants or cohorts to be prioritised, for example in response to a ministerial or government priority.

6. 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 117 when deciding a Partner category visa.

7. 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.

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[1] Partner visa applicants include married, de facto and prospective marriage applicants.
[2] 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 117 provides that these family visa applications receive highest priority.
[3] Partner visa program delivery managers may determine at which APS classification level delegates must be to enliven Section 9 of Direction 117, taking into account risks and sensitivities associated with their respective caseloads.

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8. 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*.

9. 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'.

Compassionate circumstances

10. Officers should, in the first instance, determine if the application involves circumstances of a compassionate nature.

11. 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.

12. 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.

13. 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[4];
    - Complications that may threaten the health of mother or baby during 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;

[4] 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.

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- 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 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.

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

15. 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.

16. **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 to depart from the order of priority set out in section 8 of the Direction**.

Compelling reasons

17. 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.

18. 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 90th 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.

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19. Situations may arise where processing officers may be satisfied that expediting a visa process would be in Australia's best interest[5]. 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.

20. 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.

21. 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 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.

22. 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.

23. 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

24. 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.

[5] For example, the sponsor/applicant have occupational skills in high demand (refer to the Skilled Occupation List)

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25. 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 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.

26. 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.

27. Where this may be the case, Partner Visa 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

28. 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

29. 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

30. 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>.

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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

31. 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.

32. 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 Visa 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.

33. 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 Visa Program Management as soon as possible to allow a timely response to the letter of demand.
    - Partner Visa Program Management may also need seek formal legal guidance, which may delay responses.

Further advice

34. Partner Visa Program Management is responsible for updating and maintaining the currency of these guidelines.

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35. 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

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START HERE

Appendix A – Compassionate and compelling process & quick reference information

Special circumstances of a compassionate nature?

- a *long-term partner relationship* that existed at the time of application

Other examples include, but are not limited to:

- 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;
- Complications that threaten the health of mother or baby in the applicant or sponsor's pregnancy;
- 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;
- 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.

- Applicant/legal representative indicates in writing their intention to escalate case, to a local/state/federal MP, the media, the Ombudsmen, and/or to the Minister; **OR**
- 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.

Refer to s. 22(1)(a)(ii) @homeaffairs.gov.au **– PPM will consider case and make recommendation back to delegate**

NO

Do not prioritise application

YES

Compelling reasons?

Examples include, but are not limited to:

- give effect or assist in giving effect to Government priorities, Charter letter and/or other commitments by the Department to Government; or
- the processing time has exceeded the 90th 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.

*Examples of 'affect the interests of Australia' may include:

- the visa applicant has specialised skills that would assist Australia post crisis, emergency or pandemic recovery;
- the visa applicant has an offer of employment to fill a position which requires skills that are in short supply – refer to ; 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 community benefit.

NO

YES

Prioritise application

Record assessment & decision

Circumstances that <u>are not</u> considered compassionate or compelling

- Financial hardship or for other personal financial reasons (e.g. obtaining bank loan);
- 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.

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From: Partner Program Management
To: Overseas - All Immigration Second Secretary; Overseas - All Immigration First Secretary; Overseas - All Immigration Post Managers; Overseas - All Immigration Counsellor; Sub Saharan Africa Partner Hub (DFAT); s. 22(1)(a)(ii)
Cc: Overseas - All Regional Directors; Overseas Immigration Management; Family Visa Policy; Family Programme Management; Domestic and Family Violence Program Management; Domestic Family Violence Support Section; Immigration Program Management Capability; RTC - Regional Training Coordinators; grp-Section-PARTNER VISA PROGRAM MANAGEMENT
Subject: Ministerial Direction 117 [SEC=OFFICIAL]
Date: Thursday, 30 July 2026 3:06:01 PM
Attachments: Talking Points MDs 260724_clean.docx

OFFICIAL

FOR ATTENTION OF:
All SMOs/PMOs/CMOs
Directors and Assistant Directors Onshore Partner network
Partner Delivery Support

Cc:
Overseas – All Regional Directors
Overseas Network Management
Family and Permanent Resident Policy
Family Program Management
Domestic & Family Violence Program Management
Domestic & Family Violence Support
Global Delivery Coordination
Partner Program Management

IMPORTANCE: High

ACTION REQUIRED: For Action/Information

SUBJECT: PPM 2026-27 - 10: Ministerial Direction 117

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

Dear Colleagues,

As you may be aware, Ministerial Direction 117 (the Direction, MD117) came into effect on 25 July 2026. It sets out the order of priority for processing Family visa applications.

MD117 is now available in Legend Direction-No-117 and the initial changes to the web content have begun with the changes published in the Family visa processing priorities page. All other web contents are currently being updated.

Please find attached are the cleared MD117 TPs. Please note these TPs are not Partner visa specific and cover all onshore priority MD changes. Please also note that these are for internal use and for responses to enquiries you receive. Please do not proactively engage externally using these TPs. PPM is working on Partner specific standard words. We will send them to everyone as soon as they are ready.

If you have any questions or require further information, please contact Partner Visa Program Management: s. 22(1)(a)(ii) @homeaffairs.gov.au.

Kind regards

Partner Program Management
Family and Offshore Humanitarian Delivery Branch
Citizenship, Humanitarian, Family Visa Programs & Support Division
Immigration Programs Group
Department of Home Affairs

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Australian Government
Department of Home Affairs

TALKING POINTS

Subject	Ministerial Directions 117, 119 and 120
Date	27 July 2026
Type	Agency

ISSUE

Priority processing for certain visas

TALKING POINTS

- Australia's skilled migration program is targeted to support key industries and strategically important occupations that are in the national interest.
- The skilled migration program is designed to put Australian workers first. Where Australian businesses have been unable to access Australian workers, the skilled migration system supports Australian businesses to access migrant workers with these skills, making a positive contribution to the Australian economy.
- Prioritising skilled migrants in occupations supporting construction, law enforcement, Defence, healthcare, and teaching ensures the skilled migration program is providing the critical skills Australia needs.
- Prioritising skilled migrants who are already contributing to Australia supports a sensible, measured approach to support businesses where they are unable to find an Australian worker.
- Family migration is an important element of Australia's migration system. It allows Australian citizens and permanent residents to reunite with their family members and contribute to stronger social cohesion outcomes.
- These Ministerial Directions will support targeted delivery of Australia's 2026-27 permanent Migration Program, including Government's commitment to prioritise applications from onshore migrants.
    - As announced in the 2026-27 Budget, the permanent Migration Program is set at 185,000 places, consisting of:
        - 132,240 places allocated to the Skilled stream of the Migration Program
        - 52,460 places allocated to the Family stream of the Migration Program, including 41,500 Partner visas and 3,500 Child visas
        - 300 Special Eligibility places.
- An onshore-focused program will support timely transitions to permanent residency for migrants already living, working and contributing to Australia, and further reduces the program's impact on Net Overseas Migration (NOM).

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- Offshore places will prioritise skilled migrants that help boost productivity and address Australia's long-term skill needs, complementing Australia's working-age population.

Ministerial Direction 117

- Ministerial Direction 117 (the Direction, MD117) came into effect on 25 July 2026 and sets out the order of priority for processing Family visa applications.

What applications are prioritised under the new Ministerial Direction?

- MD117 gives higher priority to 'onshore applications', meaning those where the applicant can be in Australia both at time of lodgement and grant.
    - 'Offshore applications' (where the applicant is outside Australia either at time of lodgement or grant) have lower priority.
- Under MD117, an application may be prioritised if it involves special circumstances of a compassionate nature, and there are compelling reasons to depart from the order of priority. Decisions to prioritise a Family stream visa application are made on a case-by-case basis after considering the individual circumstances of the case.
- The Department manages the allocation of resources to deliver the Family Program in line with the planning levels and priorities set by the Government.

Does this apply to all Family visa applications, including those already lodged?

- MD117 applies to all Family visa applications on hand, as well as future applications until such time as the direction is replaced.
- This will impact processing of on-hand applications.
- On-hand applications with lower priority are likely to experience longer processing times.
- MD117 does not change visa criteria. Applicants must meet the requirements set out in the Act and the Regulations to be granted a visa.
- MD117 does not apply to the Temporary Sponsored Parent (subclass 870) visa or the New Zealand Citizen Family Relationship (subclass 461) visa).

How does this Direction impact Parent visa applicants?

- Parent, Carer, Aged Dependent Relative, and Remaining Relative visa applications are subject to both MD117 and MD103.
- MD103 specifies that visa applications in programs that are subject to an annual 'cap' are generally to be processed in queue date order.

Does this mean that no offshore applicants will be granted?

- Prioritising onshore applicants complements the Government's changes to the 2026-27 permanent Migration Program, which continues to place downwards pressure on Net Overseas Migration (NOM).
- Although they have lower priority, offshore applications will continue to be processed and granted in accordance with the planning levels and priorities set by the Government.

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

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

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

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

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

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CLEARANCE

All clearances below must be completed before being returned to Home Affairs Media.

Lead business area **The Media team will contact the area(s) should further clarification be required.**		
Employer Sponsored Policy / Skilled and Temporary Visas Policy Branch		
Drafting officer		
s. 22(1)(a)(ii)	A/g Director Family Visa Policy Section	21/07/2026
s. 22(1)(a)(ii)	Director Employer Sponsored Policy	21/07/2026
s. 22(1)(a)(ii)	A/g Director Independent Skills and Innovation Policy	21/07/2026
Final SES clearance (minimum SES Band 1) and approval for release **SES of lead business area must verify that all appropriate consultation and clearances have been undertaken.**		
Jill Ogden	AS Skilled and Temporary Visas Policy	XX/XX/2026
Media and Communication Branch		
XX	Director / XX	XX/XX/2026

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