



THE MIGRATION ACT provides that only valid visa applications can be considered and sets out the requirements for a valid application. The requirements list a number of circumstances which limit the applications that can be made in Australia. This information form provides details of those circumstances.

Visa refused or cancelled

You can only apply for a limited number of visas if you do not hold a substantive visa (any visa other than a Bridging visa or a criminal justice visa), and:

- you were refused a visa, other than a Bridging visa, on or after 1 September 1994 and since last entering Australia; or
- you were refused an entry permit and became an illegal entrant before 1 September 1994 and have not subsequently left Australia; or
- you have a visa that was cancelled on or after 1 September 1994.

The visas for which you can apply are:

- Special Eligibility (residence)
- Child (residence)
- Protection (see next column)
- Medical treatment (visitor)*
- Territorial asylum (residence)
- Border (temporary)**
- Special category (temporary)***
- Bridging A
- Bridging B
- Bridging C
- Bridging D
- Bridging E

* If you have turned 50, and have been refused a residence visa application in Australia on health grounds (*or are a member of the family unit of such a person*).

**The border (*temporary*) visa can generally only be applied for by non-citizens in immigration clearance (*that is, before leaving the airport or seaport on arrival in Australia*).

*** This visa is for New Zealand citizens only.

Note: While you can apply for a visa in these circumstances, you cannot be granted the visa unless you satisfy the relevant criteria set out in the Migration Regulations.

Previous protection visa applicants

If, since you last entered Australia, you have applied for a protection visa (or prior to 1 September 1994 refugee status and/or a related entry permit) and have been refused, you cannot make a further application for a protection visa while in Australia. An exception to this is where the Minister decides it is in the public interest to allow you to lodge a further application.

Non-citizens in immigration detention

If you are in immigration detention, time limits apply for making applications for visas other than protection or Bridging visas. They are:

- within two working days of your having been told the consequences of your detention; or
- if you have told the Department of Immigration and Citizenship (the department) in writing within those 2 days that you intend to apply for a visa, you may apply within the next 5 working days after those 2 working days.

Bridging visas: You must tell the department's detention review officer for the State or Territory in which you are detained, of the application. You will be able to make a valid application only for a Bridging visa E.

Note: Information on limitations on applications for non-citizens in immigration detention is also provided in a notice given to non-citizens who are taken into immigration detention.

Visa refused or cancelled on character grounds

If you have had a visa refused or cancelled on character grounds since you last arrived in Australia, you will be prevented from making any further visa applications, except for a Protection visa.

Condition on a visa

The Migration Act allows for some visas to be granted with a condition that, despite anything else in the Act, 'the holder of the visa will not, after entering Australia, be entitled to be granted a substantive visa (*other than a Protection visa*) while they remain in Australia'.

If, at any time since you last entered Australia, you held a visa subject to this condition, you cannot apply for any other visa other than a protection or Bridging visa. This restriction can be removed only if there are compassionate and compelling reasons.

Criminal justice entry visas

If you hold a Criminal Justice Entry visa, or have stayed in Australia after your Criminal Justice Entry visa was cancelled, you can only apply for a Protection visa.

Home page **www.immi.gov.au**

General
enquiry line

Telephone **131 881** during business hours in Australia to speak to an operator (recorded information available outside these hours). If you are outside Australia, please contact your nearest Australian mission.

