



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)
- Partner (temporary)¹
- Partner (residence)¹
- Protection (see next column)
- Medical treatment (visitor)²
- Territorial asylum (residence)
- Border (temporary)³
- Special category (temporary)⁴
- Bridging A
- Bridging B
- Bridging C
- Bridging D
- Bridging E

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.

¹ If, since last entering Australia, any visa you have had refused was a visa other than a Partner (residence) category visa.

² 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).

³ 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).

⁴ This visa is for New Zealand citizens only.

Previous protection visa refusal

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 2 working days of your having been told the consequences of your detention; or
- if you have told the Department of Home Affairs (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.homeaffairs.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.