



**Commonwealth of Australia**

*Migration Act 1958*

**POSITIVE PERSONAL PROCEDURAL DECISION  
(SECTION 351)**

This decision applies to requests for Ministerial intervention under section 351 of the *Migration Act 1958* (Act), or section 417 as it stood prior to 14 October 2024, where:

- a) the request was received by the Department on or after 12 April 2023, and before the date of this decision; and
- b) a Minister has not, on or before the date of this decision, decided to consider, or not to consider, whether it is in the public interest to substitute a more favourable decision under subsection 351(1) or former subsection 417(1) of the Act; and
- c) at the date of this decision, the person who is the subject of the request is not any of the following:
  - an Australian citizen or permanent resident;
  - an organisation (rather than a natural person);
  - a person who holds a temporary visa that is not a bridging visa;
  - a person who is outside Australia and has no right to re-enter or has never entered Australia;
  - a person who holds a bridging visa and:
    - has an ongoing application for a substantive visa; or
    - has had an application for a substantive visa refused, and is seeking:
      - merits review of the decision to refuse; or
      - judicial review of a decision to refuse or of a decision to affirm a decision to refuse.

Exercising my power under subsection 351(1) of the Act and acting in the public interest, I decide that a Minister will consider whether it is in the public interest to substitute a more favourable decision for a decision of the Administrative Appeals Tribunal or Administrative Review Tribunal in relation to any request for Ministerial intervention if, at the date of this decision, the individual who is the subject of the request meets at least one of the following criteria:

1. the individual is the parent of an Australian citizen or permanent resident child who was a minor at the time the request for Ministerial Intervention was made;

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2. the individual has been assessed by a medical officer of the Commonwealth as having a chronic life-threatening health condition or mental health issue that, in the opinion of the medical officer, required treatment that the officer considered is not available in any of the countries where they have a right to reside;
3. the individual has a health issue and has been certified by a medical officer of the Commonwealth as being permanently unfit to depart Australia;
4. the individual:
  - has the skills that are required for an occupation listed on one of the following:
    - the Medium and Long-term Strategic Skills List (MLTSSL);
    - the Short-term Skilled Occupation List (STSOL);
    - the Regional Occupation List (ROL);
    - the Core Skills Occupation List (CSOL); and
  - is working in one of those occupations for which they have the required skills; and
  - has provided:
    - either:
      - a past or current, as at the date of this decision, positive skills assessment in relation to the skills required for the relevant skilled occupation; or
      - evidence of an appropriate qualification in those skills; and
    - evidence that the individual is working in the relevant occupation; and
    - if the individual is working as an employee—evidence of support from the individual's employer;
5. the individual was previously the holder of a Subclass 188 (Business Innovation and Investment (Provisional)) visa, and would now satisfy criteria in relation to time spent in Australia for grant of a Subclass 888 (Business Innovation and Investment (Permanent)) visa;
6. the individual has provided evidence that they are the carer of an Australian citizen who needs care and has been issued a Carer Visa Assessment Certificate (CVAC) which has a minimum impairment rating of 30, and has also provided evidence that:
  - the individual needing care has no Australian citizen, permanent resident or eligible NZ citizen family members permanently residing in Australia; and
  - the provision of care services is otherwise unavailable to the individual because of a denial of access by care providers;
7. the individual is excluded from the grant of a protection visa or has had a protection visa cancelled or refused on character grounds and a protection finding has been made for the individual within the meaning of section 197C of the Act;
8. the individual is a member of the immediate family (within the meaning of subregulation 1.12AA(1) of the *Migration Regulations 1994*) of a child who:
  - has been found to engage Australia's non-refoulement obligations; and
  - holds, or has held, a protection visa or a visa granted under Australia's refugee and humanitarian program;
9. the individual is under the age of 18 and in the care of the relevant Australian State or Territory welfare authority;
10. the individual would meet the requirements of subclause 102.211(2) of Schedule 2 to the *Migration Regulations 1994* but for subparagraph (b)(ii) of that subclause, and has been refused a visa for that reason;

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11. the following are satisfied:

- the individual first entered Australia as a minor and has lived in Australia for at least 50% of their life;
- it is claimed that the individual's mental or physical health would be adversely affected if they had to return to any of the countries where they have a right to reside;
- the individual does not have any family members in any of the countries where they have a right to reside;

12. the request relates to a person whose permission request ID appears in the schedule annexed to this decision.

Dated

4.9.25

Signed

A handwritten signature in black ink, appearing to read 'Tony Burke', written over a horizontal line.



**Commonwealth of Australia**

*Migration Act 1958*

**POSITIVE PERSONAL PROCEDURAL DECISION  
(SECTION 501J)**

This decision applies to requests for Ministerial intervention under section 501J of the *Migration Act 1958* (Act) where:

- a) the request was received by the Department on or after 12 April 2023, and before the date of this decision, and
- b) a Minister has not, on or before the date of this decision, decided to consider, or not to consider, whether it is in the public interest to substitute a more favourable decision under subsection 501J(1) of the Act; and
- c) at the date of this decision, the person who is the subject of the request is not any of the following:
  - an Australian citizen or permanent resident;
  - an organisation (rather than a natural person);
  - a person who holds a temporary visa that is not a bridging visa;
  - a person who is outside Australia and has no right to re-enter or has never entered Australia;
  - a person who holds a bridging visa and:
    - has an ongoing application for a substantive visa; or
    - has had an application for a substantive visa refused, and is seeking:
      - merits review of the decision to refuse; or
      - judicial review of a decision to refuse or of a decision to affirm a decision to refuse.

Exercising my power under subsection 501J (1) of the Act and acting in the public interest, I decide that a Minister will consider whether it is in the public interest to substitute a more favourable decision for a decision of the Administrative Appeals Tribunal or Administrative Review Tribunal in relation to any request for Ministerial intervention if, at the date of this decision, the individual who is the subject of the request meets at least one of the following criteria:

1. the individual is the parent of an Australian citizen or permanent resident child who was a minor at the time the request for Ministerial Intervention was made;

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2. the individual has been assessed by a medical officer of the Commonwealth as having a chronic life-threatening health condition or mental health issue that, in the opinion of the medical officer, required treatment that the officer considered is not available in any of the countries where they have a right to reside;
3. the individual has a health issue and has been certified by a medical officer of the Commonwealth as being permanently unfit to depart Australia;
4. the individual:
  - has the skills that are required for an occupation listed on one of the following:
    - the Medium and Long-term Strategic Skills List (MLTSSL);
    - the Short-term Skilled Occupation List (STSOL);
    - the Regional Occupation List (ROL);
    - the Core Skills Occupation List (CSOL); and
  - is working in one of those occupations for which they have the required skills; and
  - has provided:
    - either:
      - a past or current, as at the date of this decision, positive skills assessment in relation to the skills required for the relevant skilled occupation; or
      - evidence of an appropriate qualification in those skills; and
    - evidence that the individual is working in the relevant occupation; and
    - if the individual is working as an employee—evidence of support from the individual's employer;
5. the individual was previously the holder of a Subclass 188 (Business Innovation and Investment (Provisional)) visa, and would now satisfy criteria in relation to time spent in Australia for grant of a Subclass 888 (Business Innovation and Investment (Permanent)) visa;
6. the individual has provided evidence that they are the carer of an Australian citizen who needs care and has been issued a Carer Visa Assessment Certificate (CVAC) which has a minimum impairment rating of 30, and has also provided evidence that:
  - the individual needing care has no Australian citizen, permanent resident or eligible NZ citizen family members permanently residing in Australia; and
  - the provision of care services is otherwise unavailable to the individual because of a denial of access by care providers;
7. the individual is excluded from the grant of a protection visa or has had a protection visa cancelled or refused on character grounds and a protection finding has been made for the individual within the meaning of section 197C of the Act;
8. the individual is a member of the immediate family (within the meaning of subregulation 1.12AA(1) of the *Migration Regulations 1994*) of a child who:
  - has been found to engage Australia's non-refoulement obligations; and
  - holds, or has held, a protection visa or a visa granted under Australia's refugee and humanitarian program;
9. the individual is under the age of 18 and in the care of the relevant Australian State or Territory welfare authority;
10. the individual would meet the requirements of subclause 102.211(2) of Schedule 2 to the *Migration Regulations 1994* but for subparagraph (b)(ii) of that subclause, and has been refused a visa for that reason;

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**Minister for Immigration and Citizenship**

11. the following are satisfied:

- the individual first entered Australia as a minor and has lived in Australia for at least 50% of their life;
- it is claimed that the individual's mental or physical health would be adversely affected if they had to return to any of the countries where they have a right to reside;
- the individual does not have any family members in any of the countries where they have a right to reside;

12. the request relates to a person whose permission request ID appears in the schedule annexed to this decision.

Dated

4.9.25

Signed

A handwritten signature in black ink, appearing to read 'Tony Burke', written over the 'Signed' label.