

## COVID 19 AND MIGRATION STATUS

### TEMPORARY VISA HOLDERS

**Q: Can a de facto partner get entry into Australia?**

Yes, but evidence needs to be provided to ensure de facto requirements are met. If de facto requirements are not met, the Department will refuse the application.

**Q: Has the Department devoted extra resources to processing urgent waiver requests?**

Yes, and the Department is advising that the process is up to 28 days. We have found these are being processed within 5 to 7 days, depending on the expiry of the temporary visa.

**Q: Will any concessions be available for visa holders unable to comply with their current visa conditions?**

The Department of Home Affairs ("the Department") is exercising new flexibility with visa holders. This includes requests for waiver of the 'No Further Stay' condition and with time frames in relation to health, character and English language requirements for applicants.

**Q: How will cancelled temporary visas be reinstated?**

The Department are notifying people of any visa cancellation in writing. Cancellations will be revoked if a person can show they have been outside of mainland China for a minimum of 14 days or if they fall within an exemption category. Remaining revocation requests will be prioritised for assessment by the Department after the temporary travel restrictions have been lifted.

**Q: Can BVB holders offshore extend the validity of the BVB while they are prevented from returning to Australia?**

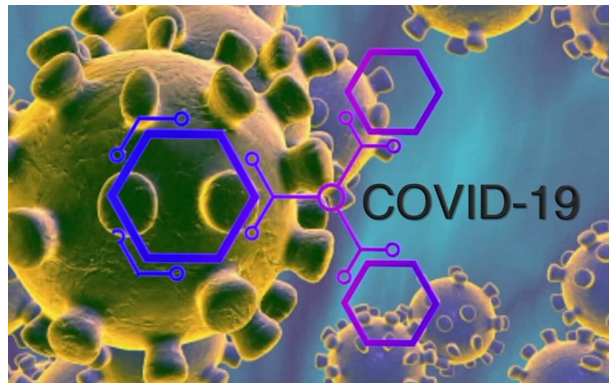
BVB travel periods cannot be extended. If the BVB expires whilst overseas, a further visa will need to be applied for to return to Australia.

**Q: Would consideration be given to issuing BVB holders adversely affected by the travel ban with very short stay visitor visas so they can get back onto their BVAs quickly?**

If a BVB expires before a visa holder can return to Australia, the person will need to apply for another visa once the travel restrictions have been lifted. The Department will assess applications on a case by case basis. Once in Australia, the person will need to apply for a BVA to remain lawful after the Visitor visa expires.

**Q: Will security bonds be seized where the visa holder has not departed the country in accordance with their visa conditions as a result of the travel ban?**

Visa holders must remain lawful and adhere to their visa conditions. A decision to forfeit a bond is discretionary and if a visa holder is not compliant, the Department will assess the forfeiting of each bond on a case by case basis.



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### STUDENTS

#### **Q: Can employers request for relaxation of enforcement of student visa working hours?**

To ensure the supply of critical services, the Department will exercise temporary discretion to allow student visa holders to work more than their specified limitation in certain areas. However, an application must be made, so if you work in a supermarket, health industry or other essential service provider, please contact us for more information.

#### **Q: Will international student graduates be granted an extension lodge applications if they cannot return to Australia?**

Current regulations allow international students to apply for a Temporary Graduate Visa up to six months after their visa expires. Most students completing studies in Semester 2 of 2019 have until September 2020 to apply for a Temporary Graduate Visa.

#### **Q: How will students who were in China on 1 February, but who have now not been in China for 14 days be able to come to Australia?**

Students who have spent more than 14 days in another country to which COVID-19 restrictions do not apply, can travel to Australia. Passports or visas with date stamps are accepted as evidence of leaving the Chinese border at least 14 days prior.

#### **Q: Will concessions be available for students who cannot return to Australia due to the travel ban and have undertaken online study to ensure the continuity of their studies?**

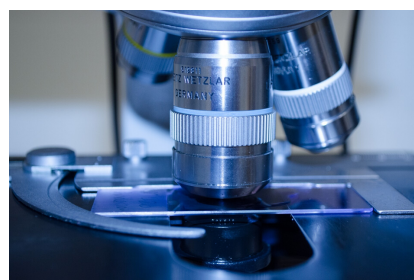
This will be decided on a case by case basis. The Department will be guided by the Tertiary Education Quality and Standards Agency (TEQSA) and the Australian Skills Quality Authority (ASQA) regarding what modes of learning and courses are acceptable.

### CITIZENSHIP

#### **Q: Will the 12 months living in Australia immediately prior to citizenship applications be enforced for those who have been prevented from returning to Australia due to the travel ban?**

For Australian citizenship by conferral, the Australian Citizenship Act 2007 states general residence requires applicants to have been in Australia for a period of four years, including at least 12 months as a permanent resident, immediately prior to making an application. Generally, Applicants can be outside Australia for no more than a total of 12 months during that four-year period, and no more than 90 days in the 12 months immediately prior to lodging an application. Residency requirements for business skills visas will be assessed on a case by case basis.

Please contact us immediately if you or someone you know is affected by these uncertain times.



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