



A bridging visa is a temporary visa that provides for a non-citizen to remain lawful in certain circumstances where they do not hold a substantive visa. The circumstances in which a bridging visa may be granted include where a non-citizen:

- has made an application for a substantive visa which has not been decided;
- has applied for revocation of an automatic student visa cancellation;
- has applied for merits review of a decision to refuse an application for a substantive visa, of a decision to cancel a visa, or of a decision not to revoke a cancellation;
- has applied for judicial review of a decision in relation to a substantive visa;
- is awaiting the outcome of a request for the exercise of the Minister's intervention powers;
- is in criminal detention; and
- is making, or is the subject of, arrangements to depart Australia.

Application

The requirements for the making of an application for a bridging visa will depend upon the circumstances in which the bridging visa is being sought.

Substantive visa application

A valid application for a substantive visa which is made in Australia will generally also be an application for a bridging visa. If an application for a substantive visa is made on a form which is also an authorised form for the making of a bridging visa application, it will be unnecessary to make a separate bridging visa application.

Note: A bridging visa granted to keep a non-citizen lawful while a substantive visa application is being considered, will cease if it is found the substantive visa application is invalid. If this happens you will be notified by letter that your bridging visa will cease 28 days after the date of that letter.

Merits review

If a non-citizen has applied for merits review of a decision to refuse a substantive visa application within the relevant time limits, and held a bridging visa during the processing of the application by the Department of Immigration and Citizenship (the department), that bridging visa will remain in effect during the merits review proceedings. It is unnecessary to apply for a new bridging visa for such proceedings.

A separate application will be necessary where the merits review proceedings relate to a decision to cancel a visa, or to a decision to refuse to revoke a cancellation. In these circumstances, the non-citizen would only be eligible for the grant of a Bridging visa E and should apply on form 1008 *Application for Bridging visa E*.

Residential address

You must provide the address of where you intend to live while your application is being dealt with. Failure to give a residential address in your application will result in your application being invalid. A post office box address will not be accepted as your residential address.

Bridging visas – the 5 classes

Bridging visa A: for applicants who hold a substantive visa when they apply for another substantive visa.

The Bridging visa A granted when an applicant applies for a substantive visa generally has the same work conditions as the substantive visa the applicant holds.

An applicant who holds a Bridging visa A with work restrictions can be granted unlimited permission to work in certain circumstances – see *Permission to work* on page 2.

Bridging visa B: (the travel visa) for those who have a Bridging visa A (or existing Bridging visa B) and have substantial reasons for travelling overseas during processing of their substantive visa application.

The Bridging visa B has the same work conditions as the Bridging visa A or B held at the time.

There is a charge for this visa – see information form 990i *Charges*.

Bridging visa C: for applicants who do not hold a substantive visa, have made a valid application in Australia for a substantive visa, and have not been located by the department.

The Bridging visa C granted when the applicant applies for a substantive visa does not provide permission to work. An applicant who holds a Bridging visa C with work restrictions can be granted unlimited permission to work in some circumstances – see *Permission to work* on page 2.

Note: A Bridging visa C cannot be granted to someone who has been granted a Bridging visa E since they last held a substantive visa.

Bridging visa D: there are 2 sub-classes of Bridging visa D:

• Prospective applicant

For a non-citizen who is unlawful (or will become unlawful within 3 working days) and wishes to make a substantive application but is unable to do so. For example, where an incorrect form has been used or the correct application charge cannot be paid.

In these circumstances a Bridging visa D is granted for 5 working days to allow a valid application to be made.

Note: Only 2 visas can be granted for this purpose since an applicant last held a substantive visa.

• Non-applicant

For an unlawful non-citizen unable or not intending to make a substantive application and an authorised officer is not available to interview them for the purposes of considering their eligibility for a Bridging visa E.

In these circumstances, a Bridging visa D is granted for 5 working days within which time the non-citizen must be interviewed at an office of the department or leave Australia.

Bridging visa E: for those who are unlawful and have been located by the department, have been previously granted a Bridging visa E, or are a Bridging visa D holder.

The Bridging visa E may be granted to applicants who are:

- making arrangements to depart;
- applying for a substantive visa;
- seeking judicial review;
- seeking ministerial intervention;
- in criminal detention; or
- seeking review of a decision to cancel a visa, except in cases where the visa was cancelled under sections 501, 501A or 501B of the Act.

The holder must abide by any conditions placed on the visa (for example, reporting requirements). A security payment may be required.

When is a bridging visa application decided?

An application for a bridging visa made on the same form as an application for a substantive visa, and separate applications for Bridging visa D or E, will usually be decided at the time of application.

Other applications, for example Bridging visa B applications and those seeking a change of conditions, are decided as soon as possible.

When does a bridging visa give lawful status?

A bridging visa comes into effect when it is granted, unless you hold a substantive visa in which case it comes into effect when that visa ceases.

A bridging visa granted to keep a non-citizen lawful while a substantive visa application is being considered will cease:

- if the substantive visa is granted; or
- when another bridging visa is granted on that substantive visa application; or
- 28 days after notification of a decision to refuse the substantive visa; or
- 28 days after notification of a decision of the review tribunal refusing to grant the substantive visa; or
- if a decision of a review tribunal on a substantive visa is that the applicant meets certain criteria and should be assessed against outstanding criteria, 28 days after notification that those criteria have not been met; or
- 28 days after any judicial review proceedings are completed, if an applicant applies for judicial review (unless the court remits the application for further consideration); or
- if a court remits a matter for further consideration by either a review tribunal or primary decision maker, 28 days after notification of the outcome of that reconsideration; or
- 28 days after withdrawal of the substantive visa application; or
- on cancellation of any substantive visa held (Bridging visas A, B and C only); or
- if you leave Australia, even if you hold a visa with permission to travel to and enter Australia (Bridging visas A, C, D and E only); or
- if you fail to return to Australia within the time permitted by the visa (Bridging visa B only).

Bridging visas granted until a date, expire on that date.

Consent to communicate electronically

The department may use a range of means to communicate with you. However, electronic means such as fax or e-mail will only be used if you indicate your agreement to receiving communication in this way.

To process your application the department may need to communicate with you about sensitive information, for example, health, police checks, financial viability and personal relationships. Electronic communications, unless adequately encrypted, are not secure and may be viewed by others or interfered with. If you agree to the department communicating with you by electronic means, the details you provide will only be used by the department for the purposes for which they have been provided unless there is a legal obligation or necessity to use them for another purpose, or you have consented to use them for another purpose. The information will not be added to any mailing list.

The Australian Government accepts no responsibility for the security or integrity of any information sent to the department over the internet or by other electronic means.

If you authorise another person to receive documents on your behalf and they wish to be contacted electronically, the authorised person's signature is required on the form to indicate their consent to this form of communication.

Notification

You will be taken to have received notice of a decision 7 working days after the date of the notice. If you are outside Australia you will be taken to have received notice 21 days after the date of the notice. If sent electronically, you will be taken to have received notice at the end of the business day on the date of the notice. You must advise the department if you change your address for more than 14 days, so that any correspondence is sent to the correct address.

What evidence will I be given?

Bridging visas B and most Bridging visas C will be evidenced on grant. (Evidenced means a visa label will be put in your passport.) Bridging visas A are evidenced unless the substantive visa held will be in effect for some months. Bridging visas E will be evidenced on grant only at an office of the department. Bridging visas D will not be evidenced.

If your bridging visa is not evidenced you will be notified of the grant by letter.

Permission to work

Generally, the holder of a Bridging visa A, B, C, or E with work restrictions can apply on form 1005 *Application for a bridging visa* for another bridging visa with unlimited permission to work. To be eligible, you need to demonstrate a 'compelling need to work', that is:

- you are in financial hardship; or
- you have been nominated or sponsored by an employer for a substantive visa on skills grounds, and appear to meet the requirements for the visa.

If you hold a Bridging visa E because you are seeking judicial review or ministerial intervention, you will not be eligible for permission to work, except in limited circumstances.

Protection visa applicants

From 1 July 2009, Protection visa applicants who hold a substantive visa at the time of their application, will be granted a Bridging visa A with permission to work.

If you are a Protection visa applicant holding a Bridging visa C or E with work restrictions, you may be eligible for another bridging visa with permission to work. You can apply for another bridging visa with permission to work by completing form 1005 *Application for a bridging visa*.

To be eligible:

- Bridging visa C holders need to demonstrate a 'compelling need to work', that is, show that you are in financial hardship.
- Bridging visa E holders need to demonstrate a 'compelling need to work', as well as satisfy the department you have an 'acceptable reason for your delay', in making a Protection visa application, that is, reasons why you:
 - (a) did not apply for a Protection visa after your arrival in Australia while you held a substantive visa; and
 - (b) why you have now applied for a Protection visa after you became unlawful.

If you hold either a Bridging visa A, B or C and are seeking judicial review of a refusal decision on your Protection visa application, you will continue to have permission to work if you had permission to work on your last bridging visa held while the department or the Refugee Review Tribunal were processing the application.

If you hold a Bridging visa E and are seeking judicial review of a refusal decision on your Protection visa application, you will only be permitted to work if you had permission to work on the last bridging visa held while the department or the Refugee Review Tribunal were processing the application, and you applied for judicial review within the statutory time limits.

If you hold a Bridging visa E and have made an initial **ministerial intervention** request from 1 July 2009, you will only be permitted to work if you had permission to work on the last bridging visa held, and at the time of making the ministerial intervention request, you had remained lawful since your last substantive visa application was finally determined.

Medicare

Non-citizens in Australia are eligible for Medicare if they have applied for a permanent residence visa other than a Parent visa. They must also hold a valid temporary visa (which includes a bridging visa), and either have permission to work on that temporary visa or have a parent/spouse/de facto partner/child who is an Australian citizen or permanent resident. Note that the Medicare Levy is payable by people eligible for Medicare.

Further information about Medicare and the Medicare Levy, can be found at www.medicareaustralia.gov.au

In Australia you can write to:

Medicare Australia
GPO Box 9822

Telephone **132 011**.

Travel during processing of an application

A Bridging visa B is the only bridging visa which permits return to Australia.

Bridging visas A, C, D, or E cease if you leave Australia. You can apply for replacements if you return and your substantive visa application made in Australia has not been finally determined.

Judicial review and ministerial intervention

A bridging visa held for processing of an application for a substantive visa or for merits review proceedings will not remain in effect for any related judicial review proceedings or ministerial intervention processes.

A non-citizen who has applied for judicial review can only be granted a bridging visa in relation to those proceedings if they make an application on form 1005 *Application for a bridging visa*, form 1006 *Application for a Bridging visa B* or form 1008 *Application for Bridging visa E*.

A non-citizen who is awaiting the outcome of a request for the exercise of the Minister's intervention powers must make an application on form 1008 *Application for Bridging visa E* to be able to obtain a bridging visa while the request is being considered.

Unlawful non-citizens

Non-citizens in Australia without a current visa are unlawful and must, by law, be detained.

Unlawful non-citizens who are at merits review, have applied for judicial review, or who are awaiting the outcome of a ministerial intervention request, should contact the nearest office of the department to apply for a bridging visa or otherwise regularise their immigration status.

Information for migration agents

Migration agents are obliged to ensure that any client who is involved in judicial review proceedings, or ministerial intervention processes, and is eligible for a bridging visa, has applied for a bridging visa to allow them to remain in Australia lawfully. Failure to do so may result in severe detriment to their client as they will be exposed to the possibility of detention and removal. A client who is disadvantaged in this way may wish to make a complaint about the conduct of their agent. The migration agents Code of Conduct requires an agent to act in accordance with the law and the legitimate interests of his or her client, provide accurate and timely advice, and have due regard to their client's dependence on their knowledge and experience.

Review

Decisions to refuse or cancel a visa are generally reviewable under the Migration Act. If your application for a bridging visa is refused or your bridging visa is cancelled, you will be given written reasons and information on your review rights.

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.