

Bridging visas

The Migration Act requires that unlawful non-citizens must be detained. Bridging visas provide the mechanism for providing or maintaining a non-citizen's lawful status whilst they are in Australia so that detention is not necessary. They are designed simply to provide a non-citizen with lawful status while the person has business with DIAC or the courts regarding a DIAC matter. In 2006-07 291 252 Bridging visas were granted. This is compared with 257 140 in 2005-06. Bridging visa A at 79.0 per cent, are the most common bridging visa granted while the next most significant visa granted is Bridging visa E (Subclass 050) at 15.0 per cent.

In general, the non-citizens covered by bridging visas are those who:

- have made (or plan to make) an application in Australia for a substantive visa which can be granted while they are in Australia, and the application has not been decided
- are seeking review through an administrative review body (such as the Migration Review Tribunal, the Refugee Review Tribunal or the Administrative Appeals Tribunal) of a decision in relation to their substantive visa application
- have made an application for review to the courts
- are seeking intervention from the Minister to substitute a more favourable decision to that of the Tribunal or
- are making departure arrangements to leave Australia.

Bridging visa classes

There are seven separate classes of bridging visa.

- Bridging visa A (BVA) – granted to non-citizens who are the holders of a substantive visa and who make a valid application for a further substantive visa that is of a kind that can be granted if the applicant is within Australia. In 2005-06, 202 937 were granted with 230 529 granted in 2006-07.
- Bridging visa B (BVB) – available to Bridging visa A holders and permits the non-citizen to travel to, enter and remain in Australia until the substantive visa application has been decided or judicial review is complete provided they have substantial reasons for wanting to travel. In 2005-06, 8916 were granted with 13 363 granted in 2006-07.
- Bridging visa C (BVC) – available to applicants who do not hold a substantive visa when they apply for another substantive visa while in Australia. In 2005-06, 3944 were granted with 4580 granted in 2006-07.
- Bridging visa D (BVD) Prospective Applicant – a short term Bridging visa available to persons who want to, but are temporarily unable to make a valid application (subclass 040); or, who do not want to apply for a visa but a compliance officer is not available to interview

them (subclass 041). In 2005-06, 335 visas were granted with 397 granted in 2006-07.

- Bridging visa E (BVE) – available to certain unlawful non-citizens in a variety of circumstances of compliance interest. Usually clients are applying for a visa, seeking review of a decision not to grant or to cancel, or making arrangements to depart Australia. In 2005-06, 40 964 BVEs (subclass 050 and 051), were granted compared with 42 383 in 2006-07.
- Bridging visa F (BVF) – under the provisions of this visa, unlawful non-citizens who are of interest in relation to a people trafficking matter may be able to remain in Australia for up to either 30 days or a date specified by the minister, depending on the circumstances of the unlawful non-citizen. The visa period allows the AFP, or state or territory Police to assess whether they wish to seek a Criminal Justice Stay Certificate (CJSC) for that person. The issue of a CJSC is a criterion for the grant of a Criminal Justice Stay visa. In 2005-06, 10 BVF visas were granted compared to 14 in 2006-07.
- The Removal Pending Bridging visa (RPBV) – enables the release, pending removal, of people in immigration detention who have been cooperating with efforts to remove them from Australia, but whose removal is not reasonably practicable at that time. A RPBV may be granted using the minister's non delegable, non compellable public interest power, under section 195A of the Migration Act 1958, to grant a visa to a person in immigration detention. In 2005-06, 34 RPBVs were granted compared to 7 in 2006-07.

The conditions attached to a bridging visa may vary according to any substantive visa applied for, as well as the applicant's immigration status and personal circumstances at time of application.

