



Migration Amendment (Credit Card Surcharge) Regulation 2014

Select Legislative Instrument No. 39, 2014

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Migration Act 1958*.

Dated 14 April 2014

Peter Cosgrove
Governor-General

By His Excellency's Command

Scott Morrison
Minister for Immigration and Border Protection

OPC60494 - B

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1 Name of regulation

This regulation is the *Migration Amendment (Credit Card Surcharge) Regulation 2014*.

2 Commencement

This regulation commences on 19 April 2014.

3 Authority

This regulation is made under the *Migration Act 1958*.

4 Schedule(s)

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Migration Regulations 1994

1 At the end of subregulation 2.12JA(2)

Add:

Note: A credit card surcharge is payable if an instalment, or part of an instalment, of visa application charge is paid by credit card: see regulation 5.43.

2 At the end of Division 5.7 of Part 5

Add:

5.43 Credit card surcharge

- (1) A visa applicant is liable to pay a fee (the *credit card surcharge*) if a payment of an instalment, or part of an instalment, of visa application charge in relation to the visa application (the *VAC payment*) is made by credit card (whether the application is made using the internet or by any other means).
- (2) The amount of the credit card surcharge payable in respect of the VAC payment is as follows:
 - (a) for a VAC payment made by Visa or MasterCard credit card—1.08% of the amount of the VAC payment;
 - (b) for a VAC payment made by American Express or Japan Credit Bureau (JCB) credit card—1.99% of the amount of the VAC payment;
 - (c) for a VAC payment made by Diners Club International credit card—2.91% of the amount of the VAC payment.
- (3) The credit card surcharge is payable when the VAC payment is made.
- (4) The Minister may specify, in a legislative instrument, circumstances in which the credit card surcharge:
 - (a) must be waived; or
 - (b) may be waived; or
 - (c) must be refunded; or
 - (d) may be refunded.

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- (5) The Minister:
- (a) must waive payment of the credit card surcharge in circumstances specified under paragraph (4)(a); and
 - (b) may waive payment of the credit card surcharge in circumstances specified under paragraph (4)(b); and
 - (c) must refund payment of the credit card surcharge in circumstances specified under paragraph (4)(c); and
 - (d) may refund payment of the credit card surcharge in circumstances specified under paragraph (4)(d).

3 At the end of Schedule 13

Add:

Part 29—Amendments made by the Migration Amendment (Credit Card Surcharge) Regulation 2014

2901 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Migration Amendment (Credit Card Surcharge) Regulation 2014* apply in relation to the payment of an instalment, or part of an instalment, of visa application charge made on or after 19 April 2014.