



Migration (IMMI 18/103: Arrangements for Partner and Prospective Marriage Visa Applications) Instrument 2018

made under subregulation 2.07(5) of the

Migration Regulations 1994

Compilation No. 1

Compilation date: 24 December 2024

Includes amendments: *Migration (IMMI 18/103: Arrangements for Partner and Prospective Marriage Visa Applications) Amendment (No. 1) Instrument 2024 (F2024L01743)*

Prepared by the Department of Home Affairs

About this compilation

This compilation

This is a compilation of the *Migration (IMMI 18/103: Arrangements for Partner and Prospective Marriage Visa Applications) Instrument 2018* that shows the text of the law as amended and in force on 24 December 2024 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name

- (1) This instrument is the *Migration (IMMI 18/103: Arrangements for Partner and Prospective Marriage Visa Applications) Instrument 2018*.
- (2) This instrument may be cited as IMMI 18/103.

3 Authority

This instrument is made under subregulation 2.07(5) of the *Migration Regulations 1994*.

4 Definitions

In this instrument:

Act means the *Migration Act 1958*.

approved form has the meaning given by subsection 5(1) of the Act.

ImmiAccount means the interactive portal for online services available through the Department's website at <https://immi.homeaffairs.gov.au>.

Internet application has the meaning given by regulation 1.03 of the Regulations.

online portal means the online services portal *Partner processing enquiry form* available through the Department's website at <https://immi.homeaffairs.gov.au/help-support/departmental-forms/online-forms/partner-processing-enquiry-form>.

Regulations means the *Migration Regulations 1994*.

visa has the meaning given by subsection 5(1) of the Act.

Part 2—Arrangements for Partner Visa Applications

6 Partner (Residence)(Class BS) visa

- (1) For subitem 1124B(1) and paragraph 1124B(3)(a) of Schedule 1 to the Regulations, for each kind of applicant described in Column B of item 1 in the table in Schedule 1 to this instrument:
 - (a) the approved form is specified in the corresponding row in Column C;
 - (b) the place and manner for making an application is specified in the corresponding row in Column D.
- (2) For the purposes of subparagraph 1124B(3)(e)(ii) of Schedule 1 to the Regulations, Form 40SP and Form 40SP (Internet) are specified as approved forms.

7 Partner (Migrant)(Class BC) visa

- (1) For subitem 1129(1) and paragraph 1129(3)(a) of Schedule 1 to the Regulations, for each kind of applicant described in Column B of item 2 in the table in Schedule 1 to this instrument:
 - (a) the approved form is specified in the corresponding row in Column C;
 - (b) the place and manner for making an application is specified in the corresponding row in Column D.

8 Partner (Temporary)(Class UK) visa

- (1) For subitem 1214C(1) and paragraph 1214C(3)(b) of Schedule 1 to the Regulations, for each kind of applicant described in Column B of item 3 in the table in Schedule 1 to this instrument:
 - (a) the approved form is specified in the corresponding row in Column C;
 - (b) the place and manner for making an application is specified in the corresponding row in Column D.

9 Prospective Marriage (Temporary)(Class TO) visa

- (1) For subitem 1215(1) and paragraph 1215(3)(a) of Schedule 1 to the Regulations, for each kind of applicant described in Column B of item 4 in the table in Schedule 1 to this instrument:
 - (a) the approved form is specified in the corresponding row in Column C;
 - (b) the place and manner for making an application is specified in the corresponding row in Column D.

10 Partner (Migrant)(Class BC) visa

- (1) For subitem 1220A(1) and paragraph 1220A(3)(a) of Schedule 1 to the Regulations, for each kind of applicant described in Column B of item 5 in the table in Schedule 1 to this instrument:
 - (a) the approved form is specified in the corresponding row in Column C;

(b) the place and manner for making an application is specified in the corresponding row in Column D.

Schedule 1—Place, manner and form for making Partner visa

Item	Column A: Item and visa	Column B: Kind of applicant	Column C: Approved form	Column D: Place and manner
1.	Item 1124B Partner (Residence) (Class BS): Subclass 801 (Partner)	If the applicant is the holder of a Subclass 445 (Dependent Child) visa	1002	Application must be made in Australia but not in immigration clearance, through any one of the following: <ul style="list-style-type: none"> (a) posting the application to the office that is processing the parent's permanent Partner visa application; (b) uploading the application onto ImmiAccount; or (c) providing the application to the Department using the online portal.
		In any other case	47SP (Internet) or If authorised by the Department: 47SP	Application must be made: <ul style="list-style-type: none"> (a) as an internet application; or (b) if authorised in writing to use Form 47SP, in accordance with directions from the Department, by the date specified.

Item	Column A: Item and visa	Column B: Kind of applicant	Column C: Approved form	Column D: Place and manner
2.	Item 1129 Partner (Migrant) (Class BC): Subclass 100 (Partner)	If the applicant is the holder of a Subclass 445 (Dependent Child) visa	1002	Application must be made in or outside Australia but not in immigration clearance, through any one of the following: <ul style="list-style-type: none"> (a) posting the application to the office that is processing the parent's permanent Partner visa application; (b) uploading the application onto ImmiAccount; or (c) providing the application to the Department using the online portal.
		In any other case	47SP (Internet); or If authorised by the Department: 47SP	Application must be made: <ul style="list-style-type: none"> (a) as an internet application; or (b) if authorised in writing to use form 47SP, in accordance with directions from the Department, by a date specified.
3.	Item 1214C Partner (Temporary) (Class UK): Subclass 820	All applicants	47SP (Internet) or If authorised by the Department: 47SP	Application must be made: <ul style="list-style-type: none"> (a) as an internet application; or (b) if authorised in writing to use form 47SP, in accordance with

Item	Column A: Item and visa	Column B: Kind of applicant	Column C: Approved form	Column D: Place and manner
	Partner			directions from the Department, by a date specified.
4.	Item 1215 Prospective Marriage (Temporary) Class TO: Subclass 300 (Prospective Marriage)	All applicants	47SP (Internet) or If authorised by the Department: 47SP	Application must be made: (a) as an internet application; or (b) if authorised in writing to use form 47SP, in accordance with directions from the Department, by a date specified.
5.	Item 1220A Partner (Provisional) (Class UF): Subclass 309 Partner (Provisional)	All applicants	47SP (Internet) or If authorised by the Department: 47SP	Application must be made: (a) as an internet application; or (b) if authorised in writing to use form 47SP, in accordance with directions from the Department, by a date specified.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	orig = original
am = amended	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
amdt = amendment	pres = present
c = clause(s)	prev = previous
C[x] = Compilation No. x	(prev...) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	reloc = relocated
disallowed = disallowed by Parliament	renum = renumbered
Div = Division(s)	rep = repealed
exp = expires/expired or ceases/ceased to have effect	rs = repealed and substituted
F = Federal Register of Legislation	s = section(s)/subsection(s)
gaz = gazette	Sch = Schedule(s)
LA = <i>Legislation Act 2003</i>	Sdiv = Subdivision(s)
LIA = <i>Legislative Instruments Act 2003</i>	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
o = order(s)	<u>underlining</u> = whole or part not commenced or to be commenced
Ord = Ordinance	

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
<i>Migration (IMMI 18/103: Arrangements for Partner and Prospective Marriage Visa Applications) Instrument 2018</i>	18 June 2018 (F2018L00789)	1 July 2018 (s 2)	
<i>Migration (IMMI 18/103: Arrangements for Partner and Prospective Marriage Visa Applications) Amendment (No. 1) Instrument 2024</i>	23 December 2024 (F2024L01743)	24 December 2024 (s 2)	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
s 2.....	rep LA s 48D
s 4.....	am F2024L01743
s 5.....	rep LA s 48C
s 6.....	am F2024L01743
Schedule 1.....	rs F2024L01743
Schedule 2.....	rep LA s 48C
