



Migration (Arrangements for Protection, Refugee and Humanitarian Visas) Instrument (LIN 20/169) 2020

I, Sally Pfeiffer, as delegate of the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, make the following instrument.

Dated: 11 November 2020

Sally Pfeiffer
Senior Executive Service Band One
Refugee, Humanitarian and Settlement Division
Department of Home Affairs

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Part 1—Preliminary

1 Name

- (1) This instrument is the *Migration (Arrangements for Protection, Refugee and Humanitarian Visas) Instrument (LIN 20/169) 2020*.
- (2) This instrument may be cited as LIN 20/169.

2 Commencement

This instrument commences on the day after it is registered on the Federal Register of Legislation.

3 Authority

This instrument is made under the following provisions of the *Migration Regulations 1994*:

- (a) subregulation 2.07(5);
- (b) items 1401, 1402, 1403 and 1404 of Schedule 1.

4 Definitions

Note: A number of expressions used in this instrument are defined in section 5 of the *Migration Act 1958*, including the following:

- (a) approved form;
- (b) visa.

In this instrument:

Regulations means the *Migration Regulations 1994*.

5 Application

This instrument applies to visa applications made on or after the commencement of the instrument.

6 Repeal

This instrument repeals *Migration (LIN 18/029: Arrangements for Protection, Refugee and Humanitarian Visas) Instrument 2018 (F2019C00149)*, in accordance with subsection 33(3) of the *Acts Interpretation Act 1901*.

Part 2—Arrangements for protection, refugee and humanitarian visas

7 Protection (Class XA) visa

For the purposes of item 1401 of Schedule 1 to the Regulations, an application for a Protection (Class XA) visa:

- (a) must be made using form 866 (Internet) as an Internet application; or
- (b) if an application cannot be made in the manner specified in paragraph (a), the application may be made using a paper form 866 and posted with correct pre-paid postage amount, to:

Protection Visas
Department of Home Affairs
GPO Box 9984
SYDNEY NSW 2001

8 Refugee and Humanitarian (Class XB) visa

For the purposes of item 1402 of Schedule 1 to the Regulations, an application for a Refugee and Humanitarian (Class XB) visa by a kind of applicant mentioned in column 1 of an item in the table must be made:

- (a) using the form mentioned in column 2 for the item; and
- (b) in one of the places and corresponding manners mentioned in column 3 for the item.

Item No	Column 1 Applicant	Column 2 Form	Column 3 Place and manner
1	Applicant whose entry to Australia has been proposed in accordance with approved forms 681 or 1417	Paper form 842	Application must be: <ul style="list-style-type: none">(a) posted with correct pre-paid postage amount, to: Special Humanitarian Processing Centre Department of Home Affairs GPO Box 9984 SYDNEY NSW 2001; or(b) delivered by courier service to: Special Humanitarian Processing Centre Department of Home Affairs Level 3, 26 Lee Street SYDNEY NSW 2001; or(c) made via the online portal at the following address: https://www.homeaffairs.gov.au/humvisaapplication
2	Any other applicant	Paper form 842	Application must be made at a diplomatic consular or migration office maintained by or for the Commonwealth and located outside Australia

9 Temporary Protection (Class XD) visa

For the purposes of item 1403 of Schedule 1 to the Regulations, an application for a Temporary Protection (Class XD) visa by a kind of applicant mentioned in column 1 of an item in the table must be made:

- (a) using the form mentioned in column 2 for the item; and
- (b) in the place and manner mentioned in column 3 for the item.

Item No.	Column 1 Applicant	Column 2 Form	Column 3 Place and manner
1	Applicant who holds or has held a Temporary Protection (Class XD) visa or a Safe Haven Enterprise (Class XE) visa	1505 (internet); or paper form 1505	Application: (a) must be made as an Internet application; or (b) if an application cannot be made in the manner specified in paragraph (a), it may be made using the relevant paper form and posted with correct pre-paid postage amount, to: Protection Visas Department of Home Affairs GPO Box 9984 SYDNEY NSW 2001
2	Any other applicant	866 (internet); or paper form 866	

10 Safe Haven Enterprise (Class XE) visa

For the purposes of item 1404 of Schedule 1 to the Regulations, an application for a Safe Haven Enterprise (Class XE) visa by a kind of applicant mentioned in column 1 of an item in the table must be made:

- (a) using the form mentioned in column 2 for the item; and
- (b) in the place and manner mentioned in column 3 for the item.

Item No.	Column 1 Applicant	Column 2 Form	Column 3 Place and manner
1	Applicant who holds or has held a Temporary Protection (Class XD) visa or a Safe Haven Enterprise (Class XE) visa	1505 (internet); or paper form 1505	Application: (a) must be made as an Internet application; or (b) if an application cannot be made in the manner specified in paragraph (a), it may be made using the relevant paper form and posted with correct pre-paid postage amount, to: Protection Visas Department of Home Affairs GPO Box 9984 SYDNEY NSW 2001
2	Any other applicant	866 (internet);	

or paper
form 866
