



LIN 21/071

**Migration (VAC refunds for certain Prospective Marriage visas)
Amendment Instrument (LIN 21/071) 2021**

I, Alex Hawke, Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, make this instrument under subparagraph 2.12F(1)(a)(ii) of the *Migration Regulations 1994* (the *Regulations*).

Dated 21 October 2021

Alex Hawke

Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

1 Name

This instrument is the *Migration (VAC refunds for certain Prospective Marriage visas) Amendment Instrument (LIN 21/071) 2021*.

2 Commencement

This instrument commences on the day after registration.

3 Amendment

Schedule 1 amends *Migration (Refund of Visa Application Charge) Instrument (LIN 21/007) 2021*.

Schedule 1 Amendment

(section 3)

[1] Subsection 5(2)

substitute

(2) For subparagraph 2.12F(1)(a)(ii) of the Regulations, a circumstance set out in any of subsections (3), (4), (4A), (6) and (7) is specified.

[2] After subsection 5(4)

insert

(4A) Subject to subsection (5), a circumstance is that all of the following apply:

- (a) the visa was in effect on 10 September 2021;
- (b) the visa holder entered Australia when the visa was in effect;
- (c) the visa holder was unable to marry the visa holder's sponsor before the visa ceased to be in effect only because of restrictions imposed as a result of the COVID-19 pandemic;
- (d) the request for the refund is made on or before 31 December 2022;
- (e) at the time of the request the visa had ceased to be in effect.

[3] Subsection 5(5)

omit

Paragraph (4)(d) does

insert

Subsections (4) and (4A) do

[4] After subsection 5(6)

insert

(7) A circumstance is that all of the following apply:

- (a) the visa was in effect on 15 September 2021;
- (b) the visa holder:
 - (i) was outside Australia on 15 September 2021; and
 - (ii) did not enter Australia after 15 September 2021 as the holder of that visa;
- (c) the request for refund is made on or before 31 December 2022;
- (d) at the time of the request, the visa had ceased to be in effect because the visa holder had asked the Minister to cancel the visa in accordance with paragraph 2.43(1)(g) or (h) of the Regulations.

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