

Filipino Migrants Forum

DO YOU HAVE A CONDITION “8503” ON YOUR VISITOR VISA ?

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“8503 No further Stay” is a condition commonly seen printed in the upper right hand section of visa labels in the passports of tourist and sponsored family visitors.

The full text of this condition can be found in Schedule 8 of the Migration Regulations and reads as follows:

8503. The holder will not, after entering Australia, be entitled to be granted a substantive visa, other than a protection visa, while the holder remains in Australia

The application of this condition bars the holder from applying for any visa while in Australia other than a protection visa, bridging visa, criminal justice visa or enforcement visa.

This condition does not expire with the visa. The words “while the holder remains in Australia” means that if the visa holder overstays and becomes unlawful, the condition will remain in effect and bar all visa applications, except those stated above, while they remain in Australia. The condition ceases only if it is granted a waiver or if the visa holder leaves Australia.

The Migration Regulations require that this condition is applied in all cases involving sponsored family visitors on short stay visas. However, in other visitor visa applications, condition 8503 is discretionary and is used only in those cases where there are good reasons to grant the visa but the assessing officer has some concerns about the applicant’s true intentions. It is used as a tool to reduce the non-return rates for high risk countries without fear that they may overstay or seek further stay (temporary or permanent) after arrival.

as well as give queued parents the opportunity to visit their children in Australia for extended periods

Condition 8503 is usually given with the full knowledge of visa applicant. Applicants who are interviewed are usually informed of the restrictions it imposes and that the condition will be applied. Normally, applicants are required to sign an acknowledgement that they have been so advised.

Applications for substantive visas other than a protection visa would not be accepted as they would be regarded as invalid while condition 8503 remained in effect.

Whilst there is provision for the waiver of Condition 8503 such waivers can only be considered in those cases where the use of condition 8503 was discretionary. The condition is mandatory on short stay sponsored family visitor visas and therefore in such case, this condition cannot be waived.

In any case, waivers are difficult to obtain even where its imposition was erroneous or incorrect.

The Migration Regulations set out the circumstances in which a waiver may be granted. Evidence must be provided that compelling and compassionate circumstances exist which have arisen since the visa with condition 8503 was granted, that represent a major change to circumstances over which the visa holder had no control. All of these conditions must be met for a waiver request to succeed. Marriage, for example, is not regarded as a circumstance beyond a visa holder's control.

Unfavourable decisions on waiver requests are reviewable by the Migration Review Tribunal.

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This information is of a general nature and should not be taken as authoritative legal advice for specific cases. The writer, Atty. Imelda Argel is a practising Filipino lawyer and a registered migration agent in Sydney, Australia. She is a Solicitor of the Supreme Court of New South Wales, the High Court of Australia, an Attorney at law in the Philippines and in the State of New York, USA. Her Registered Migration Agent no. is 9682957. More information is available at www.iargel.com.au

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