

Are you banned from applying for a visa to Australia?

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Generally, you are not banned from applying for Partner visa, Orphan relative, Child visa, and most permanent resident visas. However, you will be banned *permanently* and a waiver will not be considered if you have been deported from Australia because of your criminal record or for security reasons or your visa was cancelled because of substantial criminal record or past and present criminal conduct.

You may apply for a temporary visa only if your circumstances justify a waiver of your re-entry ban or an exclusion period. A re-entry ban or exclusion period will prevent you from applying for a visa for up to 3 years, if any of the following circumstances apply:

- You overstayed your visa by more than 28 days.
- You previously left Australia as the holder of a Bridging Visa C, D or E that was granted more than 28 days after your visa expired.
- Your visa was cancelled under certain circumstances.
- You breached your visa conditions.
- You have been deported from Australia.
- You have been removed from Australia.
- You are part of a special group of people, such as an AusAid student.

The Department of Immigration and Citizenship (DIAC) may consider waiving the exclusion period, depending on the reason why the re-entry ban was imposed. To claim this waiver, the factors in support of your return to Australia must outweigh those in favour of your exclusion from Australia. DIAC will consider factors, such as compassionate or compelling circumstances that affect an Australian or compelling circumstances that affect Australia. Generally, considerations such as illness, pregnancy or other circumstances where assistance is required will be also taken into account.

If you are subject to a re-entry ban and you do not have compelling or compassionate reasons or evidence to prove compassionate or compelling circumstances, so that a waiver of the ban can be considered, you must wait until the exclusion period expires, before you lodge your visa application. While you can lodge a valid visa application during the exclusion period, it is likely to be refused and your DIAC fee will not be refunded.

This information is of a general nature and should not be taken as authoritative legal advice for specific cases. Australia has a scheme that requires persons who give immigration assistance to be registered as migration agent.

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