



Immigration Advice
and Rights Centre

Condition 8503 (“no further stay”)

What does condition 8503 mean?

If since last entering Australia you have held a visa that has a “no further stay” condition imposed on it then you are not able to make an application for a substantive visa other than a protection visa. This applies to you even if the visa which had the condition is no longer in effect.

Note: a substantive visa is any visa other than a bridging visa, a criminal justice visa or an enforcement visa.

Condition 8503 can be waived in some circumstances – this is discussed further below.

You should seek legal advice if you hold a visa that has conditions 8534 or 8535 imposed on it. Those conditions are not discussed in this information sheet.

When can condition 8503 be imposed?

Condition 8503 can only be imposed where the law allows for it. For some visas the condition must be imposed, for others the Department of Immigration has a discretion as to whether or not to impose it and for some visas condition 8503 cannot be imposed.

Reflects Australian
Immigration law as
at 1 September
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How do I know if my visa has an 8503 condition?

If the number '8503' appears on your visa label or on your visa grant letter then the condition applies to you. The condition will continue to apply to you unless it is waived or until you leave Australia.

Can I request a waiver of condition 8503?

Before condition 8503 can be waived from your visa you will need to show that **since the time you were granted the visa** that was subject to the condition, **compelling and compassionate** circumstances have developed:

- over which you had **no control**; and
- that resulted in a **major change in your circumstances**.

If you have previously made a request for a waiver of condition 8503 which was unsuccessful you must show that your circumstances for a new request are substantially different from those previously considered.

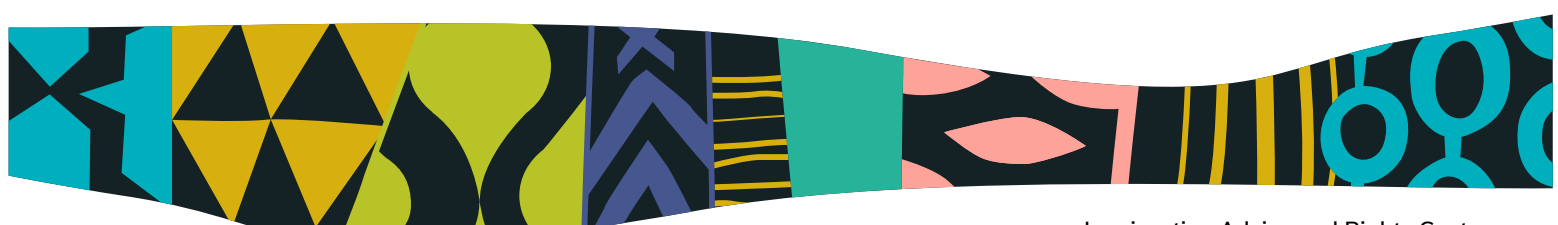
What are compelling and compassionate circumstances?

The compelling and compassionate circumstances giving rise to your request for a waiver must be beyond your control and need to have developed since the visa to which condition 8503 applies was granted to you. The following are some examples of the circumstances that the Department of Immigration might consider to be compelling and compassionate (please note: this is not a complete list – other circumstances may also meet the requirements):

- **Unfitness to travel**

You might satisfy the requirement for a waiver if you are seriously injured or contract a serious medical condition in Australia such that it would be unreasonable to expect you to leave until you have recovered. Complications associated with pregnancy or childbirth that leave you unfit for travel might also satisfy the requirements for a waiver.

While pre-existing conditions will usually not be sufficient, if you can show that your condition (or the condition of a family member) has deteriorated to such an extent that it can be said that the circumstances 'have developed' since the visa was granted to you then you may also be able to obtain a waiver.



- [Death or serious illness of close family member](#)

The death, serious illness or medical complication (including with child birth) of a family member in Australia, where you are required to remain temporarily to provide support or assistance, may also satisfy the requirements for a waiver. If the illness or medical complication was pre-existing you will need to demonstrate that there was a deterioration to such an extent that it could be said that the circumstances 'have developed' since the grant of the visa.

- [Natural disaster in home country](#)

A natural disaster in your home country which may make it unreasonable for you to return at a particular time may satisfy the requirements for a waiver. The Department of Immigration will consider your personal circumstances and the extent to which you will be affected by the disaster.

- [War or severe civil unrest in home country](#)

War or severe civil unrest in your home country which may make it unreasonable for you to return at a particular time may satisfy the requirements for a waiver. The Department of Immigration will consider your personal circumstances and the extent to which you will be affected by the war or civil unrest.

What circumstances will generally not be sufficient for a waiver?

The circumstances that will generally not be sufficient to obtain a waiver include:

- being married or in a de-facto relationship with an Australian citizen - this is because being in a relationship will generally not be considered by the Department to be beyond your control;
- pregnancy - this is because pregnancy will generally not be considered by the Department to be beyond your control (although complications in child birth or pregnancy may be);

- deterioration of an existing illness or medical condition (unless you can show that the deterioration was to such an extent that it could be said that the circumstances 'have developed' since the grant of the visa); and
- elective surgery.

How do I request a waiver?

Your request for a waiver needs to be in writing. You can complete form 1447 and attach a letter setting out a comprehensive explanation of your circumstances and why they meet the requirements for a waiver (see above). Form 1447 provides the details of where you should send your request for a waiver. You should include as much evidence as possible to support your request. This might include:

- medical certificates/letters from doctors;
- hospital or medical bills;
- police reports;
- birth or death certificates;
- statutory declaration completed by you and/or your family;
- reports from reputable international organisations about civil unrest, war or a natural disaster in your country.

IMPORTANT!

- if you are granted a waiver of condition 8503 this does not necessarily mean that you will be able to apply for and be granted another visa. You should seek legal advice to make sure that there are no other barriers to your ability to apply for and be granted another visa;
- if you are unlawful when you make the request for a waiver you should apply for a bridging visa to avoid the risk of being detained.

What happens if my request is denied?

If your request for a waiver is refused you should seek legal advice about the prospects of seeking judicial review. The Administrative Appeals Tribunal cannot review this decision.

It is possible to make a further a request for a waiver if the circumstances relating to your new request are substantially different to the pervious request.