

## BVE: The Code of Behaviour and Conditions (IMAs)

### What is a Bridging Visa?

A Bridging Visa E (BVE) is a temporary visa that allows you to live in the Australian community lawfully while you are waiting for your refugee case to be finalised.

It's like a 'waiting visa' while:

- You are making arrangements to depart Australia
- You are applying for a substantive visa
- You are seeking merits or judicial review of a visa decision or citizenship decision
- You are seeking ministerial intervention.

### Conditions on Bridging Visas

Conditions are the rules you must follow whilst holding a Bridging Visa. It is important to know what the conditions on your Bridging Visa mean. If you don't follow these rules, your Bridging Visa could be cancelled and you could be detained.

Different people have different Bridging Visas and different conditions on their Bridging Visas, depending on when you arrived in Australia.

The following are the common (IMA) BVE conditions. If you hold a different Bridging Visa or have different conditions, please contact Legal Aid ACT to discuss your particular rules.

#### Conditions

- **No Work – Condition 8108**  
'The holder must not engage in work in Australia'

- Work is defined as activity that normally attracts payment in Australia;
- Genuine volunteer work is should not be included. It is recommend to get any volunteer work approved by the Department of Home Affairs (the 'Department') first.

- **Report to Immigration— Condition 8401**
  - You must call or email the Department at the time and date specified in your letter;
  - You must tell the Department your name, address, boat ID and phone number.
- **Report Changes – Condition 8506**
  - You must tell the Department of any change in address and contact details;
  - Otherwise if the Department needs to contact you or send important letter you will not get them;
  - You can do this online using your IMMIAccount; or
  - Complete – [Form 929](#) and email it to [929@homeaffairs.gov.au](mailto:929@homeaffairs.gov.au)
- **No Criminal Conduct -Condition 8564**  
'Criminal conduct' is very broad:
  - It includes being suspected or accused of any criminal activity;
  - You don't have to be charged or convicted of an offence, no matter how big or how small, to breach this condition.

## BVE: The Code of Behaviour and Conditions (IMAs)

- **Signing and complying with the Code of Behaviour – Condition 8566**
  - Any breach of this Code can be grounds for cancellation

### Code of Behaviour

The Code of Behaviour is an agreement between you and the Government on how you will behave while you are in the community. You are being held to a higher standard of behaviour than other visa holders because the Minister has needed to personally intervene in order for the visa to be granted.

### What is criminal conduct?

The examples below are non-exhaustive. This means that there may be other behaviour that is criminal conduct that is not mentioned below.

#### Assault – for example:

- Getting into a fight regardless of who started the fight;
- Hitting, touching or spitting on someone;
- Threatening violence against someone;

This can also include your family members, partners or friends – in Australia it is not acceptable to hit your child or partner or anyone, no exceptions;

Assault does not only include hitting someone, this could also include intimidating someone or making your partner scared.

In Australia, violence of any kind in the home is called **domestic violence** or **family violence**. This is not acceptable behaviour and against many laws.

For example:

- It can include physical abuse or emotional abuse, such as yelling, making threats, harassing, or intimidating the other person that makes them not feel safe.
- EVERYONE has the right to feel safe. If you ever do not feel safe, for any reason – you should call the police.

You must **not** touch anyone without their consent. It is against the law to touch anyone without their permission. This includes any kind of **sexual contact**. Sexual contact is not acceptable unless there is consent.

- This also applies to your partner;
- It is against the law in Australia to have any kind of sexual relationship with anyone under the age of 16. This is known as the age of consent and is referenced in your Code of Behaviour.

#### Offensive language or behaviour

Shouting or being a nuisance in a public including not moving on if the police tell you to move.

#### Resisting arrest

Including fleeing a police officer or not giving them your correct identity details.

#### Driving offences

For example: driving without a license, driving after drinking alcohol or using drugs, driving in a dangerous way.

## BVE: The Code of Behaviour and Conditions (IMAs)

### Drugs and alcohol

Possession of drugs, using drugs or drinking alcohol in a public place.

### Property damage or threatening to damage property

Even if it is your own property.

### Stealing

From shops or people.

### Anti-social behaviour

The Code of Behaviour makes reference to anti-social behaviour and the need to follow all laws.

Here are some common examples of anti-social behaviour:

- You are not allowed to make too much noise that will affect your neighbours. This includes shouting, talking loudly on the phone outside your home, or the regular noise when people are gathered at your home. In ACT quiet time is Mon – Sat 10pm -7am, and on a Sun 12am – 8am;
- Not following this law would be considered anti-social behaviour and affecting the “quiet enjoyment of others” both referenced in your Code of Behaviour;
- Shouting in a public place or acting in a way that effects the way other people might like to use the space you share.

### Always have a bus or train ticket

Failing to have a ticket on a bus, train or ferry is an offence and you can be fined. You should make sure you are purchasing the right ticket for the right length of travel and at the correct price. For example, it is an

offence to purchase a student ticket if you are not a student.

### Driving

Receiving a fine for breaking the road rules can breach your Code of Behaviour agreement.

- Make sure you have a valid licence to drive;
- Make sure you understand the conditions and rules surrounding your licence;
- Make sure you follow the road rules. For example, only parking where you are allowed to and following the speed limit;
- If you are learning to drive you need a Learners Permit and must travel with L-Plates on the car. The person teaching you must be a fully qualified driver;
- If you have a Provisional Licence, you must travel with P-Plates on your car. You cannot drink any alcohol before or while driving.

For more information you should check the licence rules of your state or territory.

### What if I already have a fine?

If you already have a fine or ticket you should get legal advice straight away. It is important that you get advice about what impact this may have on your immigration status.

### The police

The police here to help you and keep you safe. The police are free. If you ever need help from the police, call '000'.

## BVE: The Code of Behaviour and Conditions (IMAs)

### Your rights if you are approached by the police

- You should give them your **name and address**;
- You have the right to **remain silent**;
- You have the right to request an **interpreter**;
- You have the right to **call a lawyer** (or support person);
- You have the right to **know why they want to talk to you**;
- You have the right to be treated with **dignity and respect**.

### What happens if I breach the code?

If you breach the Code:

- You may be sent a warning letter from the Department about your behaviour;
- You may be asked to attend a meeting with your caseworker or the Department to discuss your behaviour;
- You may be required to respond. We would encourage you to get legal advice if this happens to you;
- The Department may decide that your income support should be reduced or cancelled;
- The Department may decide to cancel your Bridging Visa.

You should get legal advice if this happens to you.

### What if my Bridging Visa is cancelled?

The Department must notify you in writing by sending you a letter by post or giving it to you in person.

- You will be returned to immigration detention;
- You will not be eligible to apply for a new Bridging Visa
- You may be transferred to an offshore processing centre

You can appeal your cancellation to the Administrative Appeals Tribunal. You have only **2 working days** to lodge your appeal. If you do not apply in time, the cancellation cannot be reviewed.

**If your Bridging Visa is cancelled it is important to get legal advice immediately!**

For more information on the cancellation of a Bridging Visa E, see our factsheet titled 'Bridging Visa E Cancellation'.

### Useful Contacts

#### Legal Aid ACT

9.00am-4.00pm Monday-Friday

[www.legalaidact.org.au](http://www.legalaidact.org.au)

Phone: **1300 654 314**

#### Migration Agents Registration Authority (MARA)

[www.mara.gov.au](http://www.mara.gov.au)

#### Migration Clinic – Legal Aid ACT

[www.legalaidact.org.au](http://www.legalaidact.org.au)

Phone: **1300 654 314**

Email: [migration@legalaidact.org.au](mailto:migration@legalaidact.org.au)

## BVE: The Code of Behaviour and Conditions (IMAs)


*This factsheet was originally developed by the Refugee Advice & Casework Service Sydney (RACS) ([www.racs.org.au](http://www.racs.org.au)).*

*This factsheet is a guide only and is not legal advice. While due care has been taken to ensure the accuracy of the material contained in this factsheet, Legal Aid ACT and the Refugee Advice & Casework Service Sydney cannot take responsibility for any errors or omissions.*

**Complaints & suggestions:** If you have any complaints or suggestions about our services, please write to the Chief Executive Officer at our postal address.

**Interpreter:** If you need an interpreter, please contact Translating and Interpreting Service (TIS) on 131 450.

**Enquiries** 02 6243 3411  
**Helpline** 1300 654 314 (free)  
**Address** 2 Allsop Street Canberra  
GPO Box 512 Canberra 2601

**Email** [legalaid@legalaidACT.org.au](mailto:legalaid@legalaidACT.org.au)  
**Web** [www.legalaidACT.org.au](http://www.legalaidACT.org.au)  
 [@legalaidact](https://www.facebook.com/legalaidact)