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Department.



Statutory Rules 1994 No. *L<sup>1</sup>*

*377/*

## Migration Reform (Transitional Provisions) Regulations<sup>2</sup> (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia,  
acting with the advice of the Federal Executive Council, make the  
following Regulations under the *Migration Act 1958* and the  
*Migration Reform Act 1992*.

Dated *L* 1994.

*9 November/*

*L BILL HAYDEN/*  
Governor-General

By His Excellency's Command,

*L*  
Minister for Immigration and Ethnic Affairs

*NICK BOLKUS/*

### 1. Commencement

1.1 These Regulations are taken to have commenced on  
1 September 1994.

**2. Amendment**

2.1 The Migration Reform (Transitional Provisions) Regulations are amended as set out in these Regulations.

**3. New regulation 5A**

3.1 After regulation 5, insert:

**Certain visas held by persons outside Australia to continue in effect**

“5A. (1) This regulation applies to a non-citizen who, immediately before 1 September 1994:

- (a) was outside Australia; and
- (b) held a permanent visa (other than a permanent return visa); and
- (c) had not applied for:
  - (i) a return visa Class A (code number 154) under the Migration (1989) Regulations; or
  - (ii) a Class 154 (resident return (Class A)) visa under the Migration (1993) Regulations; and
- (d) is not taken to have applied for a visa of a kind specified in paragraph (c).

“(2) A visa of the kind referred to in paragraph (1) (b) that was held immediately before 1 September 1994 by a person to whom this regulation applies continues in effect on and after 1 September 1994 as a transitional (permanent) visa that:

- (a) permits the holder:
  - (i) to travel to and enter Australia on 1 or more occasions for 4 years from the date of grant of the visa; and
  - (ii) to remain in Australia indefinitely; and
- (b) is subject to the conditions (if any) to which the first-mentioned visa was subject; and
- (c) if the first-mentioned visa was subject to a requirement that first entry must be by a certain date, and the holder has not entered Australia by that date—ceases to be in effect on that date.”.

**4. Regulation 6 (Visas granted before 1 September 1994 to continue in effect)**

**4.1 Subregulation 6 (1):**

Omit the subregulation, substitute:

“(1) If, immediately before 1 September 1994, a person (other than a non-citizen to whom regulation 5 or 5A applies) held a permanent visa (other than a permanent return visa), that visa continues in effect on and after 1 September 1994 as a transitional (permanent) visa that:

- (a) authorises the holder to:
  - (i) travel to and enter Australia until the date on which the first-mentioned visa would have ceased to be in force; and
  - (ii) remain in Australia indefinitely; and
- (b) is subject to the conditions (if any) to which the first-mentioned visa was subject; and
- (c) if the first-mentioned visa was subject to a requirement that first entry must be by a certain date, and the holder has not entered Australia by that date—ceases to be in effect on that date.”.

**5. Regulation 12 (Non-citizens outside Australia with applications not finally determined on 1 September 1994)**

**5.1 Paragraph 12 (1) (b):**

Omit “to travel to and enter”, substitute “to travel to, or to travel to and enter”.

**6. Regulation 21 (Visa and entry permit applications made before 19 December 1989)**

**6.1 Paragraph 21 (3) (a):**

After “enter Australia”, insert “on 1 or more occasions”.

**6.2 Subparagraph 21 (3) (a) (i):**

Omit the subparagraph, substitute:

- “(i) if the primary application was for a visa—for 4 years from the date of grant; or”.

**6.3 Paragraph 21 (3) (c):**

Omit the paragraph, substitute:

“(c) subject to:

- (i) a condition that the holder must first enter Australia by a date specified by the Minister for the purpose; and
- (ii) the other conditions (if any) that the Minister imposes, being conditions that the Minister could have imposed if the application had been decided under the old Act as in force at the date of the application.”.

**7. Regulation 22 (Visa applications made on or after 19 December 1989 and before 1 September 1994)**

**7.1 Subregulation 22 (3):**

Omit the subregulation, substitute:

“(3) Subject to subregulation (5), a transitional (permanent) visa that is granted to a non-citizen under subregulation (2) is a visa:

- (a) to travel to and enter Australia on 1 or more occasions for 4 years from the date of grant of the visa; and
- (b) to remain in Australia indefinitely; and
- (c) that is subject to:
  - (i) a condition that the holder must first enter Australia by a date specified by the Minister for the purpose; and
  - (ii) the other conditions (if any) that the Minister imposes, being conditions that the Minister could have imposed if the application had been decided under the old Act as in force at the date of the application.”.

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**NOTES**

1. Notified in the *Commonwealth of Australia Gazette* on

1994.

*L* 16 November

2. Statutory Rules 1994 No. 261 as amended by 1991 No. 281.