Migration Regulations 1994

Statutory Rules No. 268, 1994

made under the

Migration Act 1958

Compilation No. 274

Compilation date: 1 February 2025

Includes amendments: F2024L01691

This compilation is in 4 volumes

Volume 1:	regulations 1.01–5.45 Schedule 1
Volume 2:	Schedule 2 (Subclasses 010–801)
Volume 3:	**Schedule 2 (Subclasses 802–995)** **Schedules 3–5, 6D, 7A, 8–10 and 13**
Volume 4:	Endnotes

Each volume has its own contents

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Authorised Version F2025C00115 registered 03/02/2025

About this compilation

This compilation

This is a compilation of the *Migration Regulations 1994* that shows the text of the law as amended and in force on 1 February 2025 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Schedule 2—Provisions with respect to the grant of Subclasses of visas

Subclass 802—Child

802.1—Interpretation

802.111

In this Part:

letter of support means a letter of support provided by a State or Territory government welfare authority that:

(a) supports a child's application for permanent residency in Australia; and

(b) sets out:

(i) the circumstances leading to the involvement of a State or Territory government welfare authority in the welfare of the child; and

(ii) the State or Territory government welfare authority's reasons for supporting the child's application for permanent residency in Australia; and

(c) describes the nature of the State or Territory government welfare authority's continued involvement in the welfare of the child; and

(d) shows the letterhead of the State or Territory government welfare authority; and

(e) is signed by a manager or director employed by the State or Territory government welfare authority.

Note: ***eligible New Zealand citizen*** is defined in regulation 1.03.

802.2—Primary criteria

Note: The primary criteria must be satisfied by at least 1 member of a family unit. The other members of the family unit who are applicants for a visa of this subclass need satisfy only the secondary criteria. However, if an application for a visa is supported by a letter of support from a State or Territory government welfare authority, no member of the family unit is able to satisfy the secondary criteria unless regulation 2.08 applies.

802.21—Criteria to be satisfied at time of application

802.211

If the applicant is a person to whom section 48 of the Act applies, the applicant:

(a) has not been refused a visa or had a visa cancelled under section 501 of the Act; and

(b) since last applying for a substantive visa, has become a dependent child of:

(i) an Australian citizen; or

(ii) the holder of a permanent visa; or

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(iii) an eligible New Zealand citizen.

802.212

(1) The applicant:
  (a) is a dependent child of a person who is an Australian citizen, holder of a permanent visa or eligible New Zealand citizen; and
  (b) subject to subclause (2), has not turned 25.

(1A) If the applicant is a step-child of the person mentioned in paragraph (1)(a), the applicant is a step-child within the meaning of paragraph (b) of the definition of ***step-child***.

(2) Paragraph (1)(b) does not apply to an applicant who, at the time of making the application, was a dependent child within the meaning of subparagraph (b)(ii) of the definition of ***dependent child***.

802.213

(1) If the Australian citizen, holder of a permanent visa or eligible New Zealand citizen mentioned in subclause 802.212(1) is an adoptive parent of the applicant, the applicant:
  (a) was under 18 when the adoption took place; and
  (b) meets the requirements of subclause (2), (3), (4) or (5).

(2) The applicant meets the requirements of this subclause if the adoption of the applicant was in accordance with the Adoption Convention and an adoption compliance certificate is in force in relation to the adoption.

(3) The applicant meets the requirements of this subclause if the adoptive parent was not an Australian citizen, holder of a permanent visa or New Zealand citizen when the adoption took place, but subsequently became an Australian citizen, holder of a permanent visa or New Zealand citizen.

(4) The applicant meets the requirements of this subclause if:
  (a) the adoptive parent was, when the adoption took place, an Australian citizen, holder of a permanent visa or eligible New Zealand citizen; and
  (b) before the adoption, a competent authority in Australia approved the adoptive parent as a suitable adoptive parent, or the adoptive parent and the adoptive parent's spouse or de facto partner as suitable adoptive parents, for the applicant.

(5) The applicant meets the requirements of this subclause if:
  (a) the applicant was adopted in an overseas country and the adoptive parent was, when the adoption took place, an Australian citizen, holder of a permanent visa or New Zealand citizen; and
  (b) either:
    (i) when the adoption took place, the adoptive parent had been residing overseas for more than 12 months; or

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(ii) the Minister is satisfied that, because of compelling or compassionate circumstances, subparagraph (i) should not apply to the applicant; and

(c) the Minister is satisfied that the residence overseas by the adoptive parent was not contrived to circumvent the requirements for entry to Australia of children for adoption; and

(d) the adoptive parent has, or the adoptive parent and the adoptive parent's spouse or de facto partner have, lawfully acquired full and permanent parental rights by the adoption.

802.214

(1) If the applicant has turned 18:

(a) the applicant:

(i) is not engaged to be married; and

(ii) does not have a spouse or de facto partner; and

(iii) has never had a spouse or de facto partner; and

(b) the applicant is not engaged in full-time work; and

(c) subject to subclause (2), the applicant has, since turning 18, or within 6 months or a reasonable time after completing the equivalent of year 12 in the Australian school system, been undertaking a full-time course of study at an educational institution leading to the award of a professional, trade or vocational qualification.

(2) Paragraph (1)(c) does not apply to an applicant who, at the time of making the application, is a dependent child within the meaning of subparagraph (b)(ii) of the definition of ***dependent child***.

802.215

The applicant is:

(a) a person whose application is supported by a letter of support from a State or Territory government welfare authority; or

(b) sponsored by a person who:

(i) has turned 18; and

(ii) is an Australian citizen, a holder of a permanent visa or an eligible New Zealand citizen; and

(iii) is:

(A) the Australian citizen, holder of a permanent visa or eligible New Zealand citizen mentioned in paragraph 802.212(1)(a); or

(B) the cohabiting spouse or de facto partner of the Australian citizen, holder of a permanent visa or eligible New Zealand citizen mentioned in paragraph 802.212(1)(a).

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Clause 802.216

802.216

Clauses 802.211 to 802.214 are not required to be satisfied if the application for a visa is supported by a letter of support from a State or Territory government welfare authority.

802.22—Criteria to be satisfied at time of decision

802.221

(1) In the case of an applicant who had not turned 18 at the time of application, the applicant:
  (a) continues to satisfy the criterion in clause 802.212; or
  (b) does not continue to satisfy that criterion only because the applicant has turned 18.

(2) In the case of an applicant who had turned 18 at the time of application:
  (a) the applicant:
    (i) continues to satisfy the criterion in clause 802.212; or
    (ii) does not continue to satisfy that criterion only because the applicant has turned 25; and
  (b) the applicant continues to satisfy the criterion in clause 802.214.

802.222

If the Minister has requested an assurance of support in relation to the applicant, the Minister is satisfied that the assurance has been accepted by the Secretary of Social Services.

802.223

The applicant:
  (a) satisfies public interest criteria 4001, 4002, 4003, 4004, 4007, 4020 and 4021; and
  (b) if the applicant had turned 18 at the time of application—satisfies public interest criterion 4019.

802.224

(1) Each member of the family unit of the applicant who is an applicant for a Subclass 802 visa is a person who:
  (a) satisfies public interest criteria 4001, 4002, 4003, 4004, 4007 and 4020; and
  (b) if the person had turned 18 at the time of application—satisfies public interest criterion 4019.

(2) Each member of the family unit of the applicant who is not an applicant for a Subclass 802 visa is a person who satisfies public interest criterion 4007, unless

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the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.

802.225

If the applicant has not turned 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.

802.226

The sponsorship mentioned in clause 802.215 has been approved by the Minister and is still in force.

Note: Regulation 1.20KB limits the Minister's discretion to approve sponsorships.

802.226A

(1) Clauses 802.221 to 802.226 are not required to be satisfied if the application for a visa is supported by a letter of support from a State or Territory government welfare authority.

(2) If the application for a visa is supported by a letter of support from a State or Territory government welfare authority:
  (a) the applicant satisfies:
    (i) the criteria in subclauses (3), (4), (5) and (6); and
    (ii) public interest criteria 4001, 4002, 4003, 4018, 4020 and 4021; and
  (b) the Minister is satisfied that:
    (i) the grant of visa is in the public interest; and
    (ii) the State or Territory government welfare authority supports the applicant's application for permanent residency in Australia.

(3) The applicant has undergone a medical examination carried out by any of the following (a ***relevant medical practitioner***):
  (a) a Medical Officer of the Commonwealth;
  (b) a medical practitioner approved by the Minister for the purposes of this paragraph;
  (c) a medical practitioner employed by an organisation approved by the Minister for the purposes of this paragraph.

(4) The applicant:
  (a) has undergone a chest x-ray examination conducted by a medical practitioner who is qualified as a radiologist in Australia; or
  (b) is under 11 years of age and is not a person in respect of whom a relevant medical practitioner has requested such an examination; or
  (c) is a person:
    (i) who is confirmed by a relevant medical practitioner to be pregnant; and
    (ii) who has been examined for tuberculosis by a chest clinic officer employed by a health authority of a State or Territory; and

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(iii) who has signed an undertaking to place herself under the professional supervision of a health authority in a State or Territory and to undergo any necessary treatment; and

(iv) who the Minister is satisfied should not be required to undergo a chest x-ray examination at this time.

(5) A relevant medical practitioner:

(a) has considered:

(i) the results of any tests carried out for the purposes of the medical examination required under subclause (3); and

(ii) the radiological report (if any) required under subclause (4) in respect of the applicant; and

(b) if he or she is not a Medical Officer of the Commonwealth and considers that the applicant has a disease or condition that is, or may result in the applicant being, a threat to public health in Australia or a danger to the Australian community, has referred any relevant results and reports to a Medical Officer of the Commonwealth.

(6) If a Medical Officer of the Commonwealth considers that the applicant has a disease or condition that is, or may result in the applicant being, a threat to public health in Australia or a danger to the Australian community, arrangements have been made, on the advice of the Medical Officer of the Commonwealth, to place the applicant under the professional supervision of a health authority in a State or Territory to undergo any necessary treatment.

802.3—Secondary criteria

Note: If any member of a family unit satisfies the primary criteria, the other members of the family unit are eligible for the grant of the visa if they satisfy the secondary criteria and their applications are made before the Minister has decided to grant or refuse to grant the visa to the first person. However, if an application for a visa is supported by a letter of support from a State or Territory government welfare authority, no member of the family unit is able to satisfy the secondary criteria unless regulation 2.08 applies.

802.31—Criteria to be satisfied at time of application

802.311

Each of the following is satisfied:

(a) the applicant is a member of the family unit of a person to whom paragraph 802.215(b) applies;

(b) the applicant is a member of the family unit of a person who:

(i) has applied for a Child (Residence) (Class BT) visa; and

(ii) on the basis of the information provided in his or her application, appears to satisfy the criteria in Subdivision 802.21;

(c) the Minister has not decided to grant or refuse to grant the visa to that other person.

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802.312

The sponsorship mentioned in clause 802.215 of the person who satisfies the primary criteria includes sponsorship of the applicant.

802.32—Criteria to be satisfied at time of decision

802.321

The applicant is a member of the family unit of a person who, having satisfied the primary criteria, is the holder of a Subclass 802 visa.

802.322

The applicant:

(a) satisfies public interest criteria 4001, 4002, 4003, 4004 and 4007; and

(b) if the applicant had turned 18 at the time of application—satisfies public interest criterion 4019.

802.323

If the Minister has requested an assurance of support in relation to the person who satisfies the primary criteria, the Minister is satisfied that:

(a) the applicant is included in the assurance of support given in relation to that person, and that assurance has been accepted by the Secretary of Social Services; or

(b) an assurance of support in relation to the applicant has been accepted by the Secretary of Social Services.

802.324

If the applicant has not turned 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.

802.325

The sponsorship mentioned in clause 802.312 has been approved by the Minister and is still in force.

802.326

The applicant satisfies public interest criteria 4020 and 4021.

802.327

Clauses 802.321 to 802.325 are not required to be satisfied if the application for a visa is supported by a letter of support from a State or Territory government welfare authority.

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Clause 802.328

802.328

(1) If the applicant's application for a visa is supported by a letter of support from a State or Territory government welfare authority and the applicant is an applicant to whom regulation 2.08 applies:
  (a) the applicant must:
    (i) be a member of the family unit of a person to whom paragraph 802.215 (a) applies; and
    (ii) satisfy subclauses (2), (3), (4) and (5); and
    (iii) satisfy public interest criteria 4018; and
  (b) the Minister must be satisfied that:
    (i) the grant of visa is in the public interest; and
    (ii) the State or Territory government welfare authority supports the applicant's application for permanent residency in Australia.

(2) The applicant has undergone a medical examination carried out by any of the following (a ***relevant medical practitioner***):
  (a) a Medical Officer of the Commonwealth;
  (b) a medical practitioner approved by the Minister for the purposes of this paragraph;
  (c) a medical practitioner employed by an organisation approved by the Minister for the purposes of this paragraph.

(3) The applicant:
  (a) has undergone a chest x-ray examination conducted by a medical practitioner who is qualified as a radiologist in Australia; or
  (b) is under 11 years of age and is not a person in respect of whom a relevant medical practitioner has requested such an examination; or
  (c) is a person:
    (i) who is confirmed by a relevant medical practitioner to be pregnant; and
    (ii) who has been examined for tuberculosis by a chest clinic officer employed by a health authority of a State or Territory; and
    (iii) who has signed an undertaking to place herself under the professional supervision of a health authority in a State or Territory and to undergo any necessary treatment; and
    (iv) who the Minister is satisfied should not be required to undergo a chest x-ray examination at this time.

(4) A relevant medical practitioner:
  (a) has considered:
    (i) the results of any tests carried out for the purposes of the medical examination required under subclause (2); and
    (ii) the radiological report (if any) required under subclause (3) in respect of the applicant; and
  (b) if he or she is not a Medical Officer of the Commonwealth and considers that the applicant has a disease or condition that is, or may result in the

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applicant being, a threat to public health in Australia or a danger to the Australian community, has referred any relevant results and reports to a Medical Officer of the Commonwealth.

(5) If a Medical Officer of the Commonwealth considers that the applicant has a disease or condition that is, or may result in the applicant being, a threat to public health in Australia or a danger to the Australian community, arrangements have been made, on the advice of the Medical Officer of the Commonwealth, to place the applicant under the professional supervision of a health authority in a State or Territory to undergo any necessary treatment.

802.4—Circumstances applicable to grant

802.411

The applicant must be in Australia, but not in immigration clearance, when the visa is granted.

802.5—When visa is in effect

802.511

Permanent visa permitting the holder to travel to and enter Australia for a period of 5 years from the date of grant.

802.6—Conditions: Nil.

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Subclass 804—Aged Parent

804.1—Interpretation

804.111

In this Part:

adult child, in relation to an applicant, means a child of the applicant who has turned 18.

Note: ***Aged parent***, ***eligible New Zealand citizen*** and ***outstanding*** are defined in regulation 1.03.

804.2—Primary criteria

Note: The primary criteria must be satisfied by at least one member of a family unit. The other members of the family unit who are applicants for a visa of this subclass need satisfy only the secondary criteria.

804.21—Criteria to be satisfied at time of application

804.211

(1) If the applicant is a person to whom section 48 of the Act applies, the applicant:
  (a) has not been refused a visa or had a visa cancelled under section 501 of the Act; and
  (b) since last applying for a substantive visa, has become an aged parent of:
    (i) an Australian citizen; or
    (ii) the holder of a permanent visa; or
    (iii) an eligible New Zealand citizen.

(2) The applicant is:
  (a) the holder of a substantive visa (other than a Subclass 771 (Transit) visa); or
  (b) a person who:
    (i) is not the holder of a substantive visa; and
    (ii) immediately before ceasing to hold a substantive visa, was not the holder of a Subclass 771 (Transit) visa.

804.212

(1) The applicant is:
  (a) in the case of an applicant who is not the holder of a substituted Subclass 600 visa:
    (i) the aged parent of a person (the ***child***) who is a settled Australian citizen, settled Australian permanent resident or settled eligible New Zealand citizen; and

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(ii) sponsored in accordance with subclause (2) or (3); or

(b) in the case of an applicant who is the holder of a substituted Subclass 600 visa:

(i) the parent of a person (the ***child***) who is a settled Australian citizen, settled Australian permanent resident or settled eligible New Zealand citizen; and

(ii) sponsored in accordance with subclause (2) or (3).

(2) If the child has turned 18, the applicant is sponsored by:

(a) the child; or

(b) the child's cohabiting spouse or de facto partner, if the spouse or de facto partner:

(i) has turned 18; and

(ii) is a settled Australian citizen, settled Australian permanent resident, or settled eligible New Zealand citizen.

(3) If the child has not turned 18, the applicant is sponsored by:

(a) the child's cohabiting spouse, if that spouse:

(i) has turned 18; and

(ii) is a settled Australian citizen, settled Australian permanent resident or settled eligible New Zealand citizen; or

(b) a person who:

(i) is a relative or guardian of the child; and

(ii) has turned 18; and

(iii) is a settled Australian citizen, settled Australian permanent resident, or settled eligible New Zealand citizen; or

(c) if the child has a cohabiting spouse but the spouse has not turned 18—a person who:

(i) is a relative or guardian of the child's spouse; and

(ii) has turned 18; and

(iii) is a settled Australian citizen, or settled Australian permanent resident, or settled eligible New Zealand citizen; or

(d) a community organisation.

804.213

If the applicant is not the holder of a substantive visa, the applicant satisfies Schedule 3 criterion 3002.

804.214

If the applicant is not the holder of a substituted Subclass 600 visa, the applicant satisfies the balance of family test.

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Clause 804.221

804.22—Criteria to be satisfied at time of decision

804.221

The applicant either:

(a) is an aged parent of an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen mentioned in paragraph 804.212(1)(a); or

(b) if the applicant is the holder of a substituted Subclass 600 visa at the time of application—is the parent of an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen mentioned in paragraph 804.212(1)(a).

804.222

A sponsorship of the kind mentioned in clause 804.212 is in force, whether or not the sponsor was the sponsor at the time of application.

Note: The applicant may seek the Minister's approval for a change of sponsor as long as the new sponsor meets the description in clause 804.212.

804.224

The Minister is satisfied that an assurance of support in relation to the applicant has been accepted by the Secretary of Social Services.

804.225

The applicant satisfies the public interest criteria mentioned for the applicant in the item in the table that relates to the applicant.

Item	If the applicant was …	the public interest criteria to be satisfied by the applicant are ...
1	not the holder of a substituted Subclass 600 visa at the time of application	4001, 4002, 4003, 4004, 4005, 4009, 4010, 4019, 4020 and 4021
2	the holder of a substituted Subclass 600 visa at the time of application	4001, 4002, 4003, 4007, 4009, 4010, 4019, 4020 and 4021

804.226

(1) Each person who is covered by subclause (2), (3) or (4) satisfies the public interest criteria mentioned in the item in the table that relates to the applicant (the ***primary applicant***).

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Item	If the primary applicant …	the public interest criteria to be satisfied by the person covered by subclause (2), (3) or (4) are …
1	was not the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003, 4004, 4005, 4009, 4010 and 4020; and (b) if the person had turned 18 at the time of application—4019
2	was the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003, 4007, 4009, 4010 and 4020; and (b) if the person had turned 18 at the time of application—4019

(2) This subclause covers a person:
  (a) who is a member of the family unit of the primary applicant; and
  (b) who is also an applicant for a Subclass 804 visa.

(3) This subclause covers a person (the ***relevant person***) if:
  (a) the relevant person was, at the time of the primary applicant's application, a member of the family unit of the primary applicant; and
  (b) the relevant person is an applicant for a Subclass 804 visa; and
  (c) the Minister is satisfied that one or more of the following has experienced family violence committed by the primary applicant:
    (i) the relevant person;
    (ii) a member of the family unit of the relevant person who has made a combined application with the relevant person or with the primary applicant;
    (iii) a dependent child of the relevant person or of the primary applicant.

Note: For special provisions relating to family violence, see Division 1.5.

(4) This subclause covers a person if:
  (a) the person was, at the time of the primary applicant's application, a member of the family unit of the primary applicant but is no longer a member of the family unit of the primary applicant; and
  (b) the person is an applicant for a Subclass 804 visa; and
  (c) the person is a member of the family unit of a person covered by subclause (3).

804.226A

(1) Each person covered by subclause (2) or (3) satisfies the public interest criteria mentioned in the item in the table that relates to the applicant (the ***primary applicant***).

Item	If the primary applicant was …	the public interest criteria to be satisfied by the person covered by subclause (2) or (3) are ...
1	not the holder of a substituted Subclass 600 visa at the time of	(a) 4001, 4002, 4003 and 4004; and (b) 4005, unless the Minister is satisfied that it

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Clause 804.227

Item	If the primary applicant was …	the public interest criteria to be satisfied by the person covered by subclause (2) or (3) are ...
	application	would be unreasonable to require the person to undergo assessment for that criterion
2	the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002 and 4003; and (b) 4007, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment for that criterion

(2) This subclause covers a person:
  (a) who is a member of the family unit of the primary applicant; and
  (b) who is not an applicant for a Subclass 804 visa.

(3) This subclause covers a person:
  (a) who was, at the time of application, a member of the family unit of the primary applicant but is no longer a member of the family unit of the primary applicant; and
  (b) who is a member of the family unit of a person covered by subclause 804.226(3) or (4); and
  (c) who is not an applicant for a Subclass 804 visa.

804.227

If a person (in this clause called the additional applicant):
  (a) is a person covered by subclause 804.226(2), (3) or (4); and
  (b) has not turned 18; and
  (c) made a combined application with the applicant—

public interest criteria 4015 and 4016 are satisfied in relation to the additional applicant.

804.228

If the applicant has previously made a valid application for another parent visa, that application is not outstanding.

804.3—Secondary criteria

Note: These criteria are for applicants seeking to satisfy the secondary criteria.

804.31—Criteria to be satisfied at time of application

804.311

(1) The applicant:
  (a) is a member of the family unit of a person (the ***primary applicant***) who:
    (i) has applied for an Aged Parent (Residence) (Class BP) visa; and
    (ii) on the basis of the information provided in the application, appears to satisfy the criteria in Subdivision 804.21;

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and the Minister has not decided to grant or refuse to grant the visa to that other person; or

(b) is a member of the family unit of a person covered by subclause (2).

(2) This subclause covers a person (the ***relevant person***) if:

(a) the relevant person was, at the time of the relevant person's application for the visa, the spouse or de facto partner of the primary applicant; and

(b) the relevant person made a combined application with the primary applicant; and

(c) the relationship between the relevant person and the primary applicant has ceased; and

(d) one or more of the following has experienced family violence committed by the primary applicant:

(i) the relevant person;

(ii) a member of the family unit of the relevant person or the primary applicant;

(iii) a dependent child of the relevant person or primary applicant.

Note: For special provisions relating to family violence, see Division 1.5.

804.312

(1) A sponsorship of the kind mentioned in clause 804.212 of the person who satisfies the primary criteria, approved by the Minister:

(a) is in force; and

(b) includes sponsorship of the applicant.

(2) Subclause (1) does not apply if paragraph 804.311(1)(b) applies to the applicant.

804.32—Criteria to be satisfied at time of decision

804.321

(1) The applicant meets the requirements of subclause (2), (3), (4) or (5).

(2) The applicant meets the requirements of this subclause if the applicant:

(a) is the member of the family unit of a person (the ***primary applicant***) who holds a Subclass 804 visa granted on the basis of satisfying the primary criteria for the grant of the visa; and

(b) made a combined application with the primary applicant.

(3) The applicant meets the requirements of this subclause if:

(a) at the time of the application, the applicant was the spouse or de facto partner of a person (the ***primary applicant***) seeking to satisfy the primary criteria for the grant of a Subclass 804 visa, and the primary applicant has since been granted that visa; and

(b) the relationship between the primary applicant and the applicant has ceased; and

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Clause 804.322

(c) one or more of the following has experienced family violence committed by the primary applicant:
(i) the applicant;
(ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
(iii) a dependent child of the applicant or of the primary applicant; and
(d) the applicant entered Australia after the applicant's visa application was made.

(4) The applicant meets the requirements of this subclause if:
(a) at the time of the application, the applicant was the spouse or de facto partner of a person (the ***primary applicant***) seeking to satisfy the primary criteria for the grant of a Subclass 804 visa; and
(b) the relationship between the primary applicant and the applicant has ceased; and
(c) one or more of the following has experienced family violence committed by the primary applicant:
(i) the applicant;
(ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
(iii) a dependent child of the applicant or of the primary applicant; and
(d) the Minister has decided to refuse to grant the primary applicant the visa for reasons including that the primary applicant had engaged in conduct involving family violence (whether or not the family violence was against a person mentioned in paragraph (c)).

(5) The applicant meets the requirements of this subclause if:
(a) the applicant is a member of the family unit of a person (the ***secondary applicant***) who meets the requirements of subclause (3) or (4); and
(b) the applicant has made a combined application with the secondary applicant or the primary applicant mentioned in subclause (3) or (4) (whichever applies to the secondary applicant); and
(c) a Subclass 804 visa has since been granted to the secondary applicant.

Note: For special provisions relating to family violence, see Division 1.5.

804.322

The applicant satisfies the public interest criteria mentioned for the applicant in the item in the table that relates to the applicant.

Item	If the applicant is a member of the family unit of a person who is mentioned in clause 804.321, and the person …	the public interest criteria to be satisfied by the applicant are ...
1	was not the holder of a substituted Subclass 600 visa at the time of	(a) 4001, 4002, 4003, 4004, 4005, 4009, 4010, 4020 and 4021; and

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Item	If the applicant is a member of the family unit of a person who is mentioned in clause 804.321, and the person …	the public interest criteria to be satisfied by the applicant are ...
	application	(b) if the applicant had turned 18 at the time of application—4019
2	was the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003, 4007, 4009, 4010, 4020 and 4021; and (b) if the applicant had turned 18 at the time of application—4019

804.323

The Minister is satisfied that:

(a) the applicant is included in the assurance of support given in relation to the person who satisfies the primary criteria, and that assurance has been accepted by the Secretary of Social Services; or

(b) an assurance of support in relation to the applicant has been accepted by the Secretary of Social Services.

804.324

If the applicant has not turned 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.

804.325

(1) Either:

(a) a sponsorship of the kind mentioned in clause 804.212, approved by the Minister, is in force and includes sponsorship of the applicant, whether or not the sponsor was the sponsor at the time of application; or

(b) the applicant is sponsored in accordance with subclause (2) and the sponsorship has been approved by the Minister and is in force.

(2) The applicant is sponsored:

(a) by a child of the primary applicant mentioned in subclause 804.321(2), (3) or (4), if the child:

(i) has turned 18; and

(ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; or

(b) by the child's cohabiting spouse or de facto partner, if the spouse or de facto partner:

(i) has turned 18; and

(ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; or

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Clause 804.326

(c) if the child or child's cohabiting spouse or de facto partner has not turned 18—by a relative or guardian of the child or child's cohabiting spouse or de facto partner, if the relative or guardian:
  (i) has turned 18; and
  (ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; or
(d) if the child has not turned 18—by a community organisation.

804.326

If the applicant has previously made a valid application for another parent visa, that application is not outstanding.

804.327

(1) This clause applies if the applicant (the ***secondary applicant***) meets the requirements of subclause 804.321(3) or (4).

(2) Each member of the family unit of the secondary applicant who is an applicant for a Subclass 804 visa must satisfy the public interest criteria mentioned in the item in the table that relates to the secondary applicant.

Item	If the secondary applicant …	the public interest criteria to be satisfied by the member of the family unit of the secondary applicant are …
1	was not the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003, 4004, 4005, 4009, 4010 and 4020; and (b) if the member of the family unit had turned 18 at the time of application—4019
2	was the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003, 4007, 4009, 4010 and 4020; and (b) if the member of the family unit had turned 18 at the time of application—4019

(3) Public interest criteria 4015 and 4016 are satisfied in relation to each member of the family unit of the secondary applicant who is an applicant for a Subclass 804 visa and who has not turned 18 at the time of decision.

(4) Each member of the family unit of the secondary applicant who is not an applicant for a Subclass 804 visa satisfies the public interest criteria mentioned in the item in the table that relates to the secondary applicant.

Item	If the secondary applicant …	the public interest criteria to be satisfied by the member of the family unit of the secondary applicant are …
1	was not the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003 and 4004; and (b) 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment for that criterion

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Item	If the secondary applicant …	the public interest criteria to be satisfied by the member of the family unit of the secondary applicant are …
2	was the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002 and 4003; and (b) 4007, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment for that criteria.

804.4—Circumstances applicable to grant

804.411

(1) Unless subclause (2) of this clause applies to the visa, the applicant must be in Australia, but not in immigration clearance, when the visa is granted.

(2) This subclause applies to a visa if:
  (a) the application for the visa was made before 24 March 2021; and
  (b) the applicant for the visa was outside Australia on 24 March 2021; and
  (c) the visa is granted after 23 March 2021; and
  (d) the visa is granted before the end of the concession period described in subregulation 1.15N(1); and
  (e) the applicant for the visa is not in immigration clearance.

Note: The second instalment of the visa application charge must be paid before the visa can be granted.

804.5—When visa is in effect

804.511

Permanent visa permitting the holder to travel to and enter Australia for 5 years from the date of grant.

804.6—Conditions: Nil.

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Subclass 808—Confirmatory (Residence)

808.1—Interpretation

Note: No interpretation provisions specific to this Part.

808.2—Primary criteria

808.21—Criteria to be satisfied at time of application

808.211A

The applicant satisfies:

(a) clauses 808.211 and 808.212; or

(b) clause 808.213 (which applies in relation to some former holders of Norfolk Island immigration permits).

808.211

The applicant:

(a) is the holder of a Resident Return (Temporary) (Class TP) visa and satisfies the Minister that he or she would have satisfied the criteria for the grant of a Return (Residence) (Class BB) visa at the time he or she was granted the Resident Return (Temporary) (Class TP) visa; or

(b) is a person who is the holder of an Emergency (Temporary) (Class TI) visa and:

(i) either:

(A) satisfies the remaining criteria, within the meaning of Part 302; or

(B) is unable to satisfy those criteria, but is able to substantiate a claim to be an Australian permanent resident; or

(ii) is a member of the family unit of a person who:

(A) is the holder of a Subclass 302 (Emergency (Permanent Visa Applicant)) visa; and

(B) has satisfied the primary criteria; or

(c) is the holder of a Border (Temporary) (Class TA) visa and satisfies the Minister that he or she would have satisfied the criteria for the grant of a Return (Residence) (Class BB) visa when he or she was granted the Border (Temporary) (Class TA) visa; or

(d) is the holder of a Class 301 (Australian requirement) entry permit or visa granted under the Migration (1993) Regulations and has satisfied the criteria referred to in paragraph 301.321 (b) of Schedule 2 of those Regulations.

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808.212

In the case of an applicant who is the holder of a Subclass 302 visa, all members of the family unit of the applicant satisfy the public interest criteria applicable to them.

808.213

(1) This clause applies if paragraph 1111(2A)(b), (c) or (d) of Schedule 1 covers the application.

Note: Paragraphs 1111(2A)(b), (c) and (d) of Schedule 1 cover applications made on the basis of the former migration status under the *Immigration Act 1980* (Norfolk Island) of the applicant or a parent of the applicant.

(2) The application must be made before 1 January 2024, unless the Minister is satisfied that there are compelling reasons for granting the visa.

(3) During a period of, or periods that total, not less than 5 years in the period of 7 years immediately before the application is made (including any period, or part of a period, before 30 June 2016), the applicant meets the requirements of subclause (4).

(4) The applicant meets the requirements of this subclause during any period or periods while:

(a) the applicant is (or has been) lawfully present in Norfolk Island; or

(b) the applicant is (or has been) lawfully present in a place elsewhere in Australia, and:

(i) has not turned 25; and

(ii) is a dependent child of a person who is ordinarily resident in Norfolk Island; and

(iii) lives (or has lived) in that place for the purpose of study; and

(iv) while living there, meets (or met) the requirements mentioned in condition 8105 (which relates to students engaging in work).

Note 1: An applicant can meet the requirements of subclause (4) by a combination of periods to which either paragraph (4)(a) or (4)(b) applies, if the total duration of that combination of periods amounts to not less than 5 years.

Note 2: Condition 8105 is not imposed on the visa.

808.22—Criteria to be satisfied at time of decision

808.221A

The applicant satisfies:

(a) clauses 808.221 and 808.222; or

(b) clause 808.223 (which applies to some former holders of Norfolk Island immigration permits).

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Clause 808.221

808.221

In the case of an applicant who is a member of the family unit of a person referred to in subparagraph 808.211(b)(ii), the person referred to in that subparagraph holds a Confirmatory (Residence) (Class AK) visa.

808.222

The applicant satisfies public interest criterion 4021.

808.223

(1) This clause applies if paragraph 1111(2A)(b), (c) or (d) of Schedule 1 covers the application.

(2) The applicant satisfies special return criteria 5001, 5002 and 5010.

(3) The applicant:
  (a) satisfies public interest criteria 4001, 4002, 4003, 4004, 4007, 4009, 4010, 4014, 4020 and 4021; and
  (b) if the applicant has turned 18 at the time of the application—public interest criterion 4019.

(4) If a person (the ***additional applicant***):
  (a) is a member of the family unit of the applicant; and
  (b) has not turned 18 at the time of the application; and
  (c) made a combined application with the applicant;

public interest criteria 4015 and 4016 are satisfied in relation to the additional applicant.

808.3—Secondary criteria

808.31—Criteria to be satisfied at time of application

808.311

The following requirements are met:
  (a) the applicant was born in Australia on or after 1 July 2016;
  (b) the applicant is a dependent child of another applicant (the ***parent applicant***);
  (c) paragraph 1111(2A)(b), (c) or (d) of Schedule 1 covers the parent's application;
  (d) the applicant made a combined application with the parent applicant.

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808.32—Criteria to be satisfied at time of decision

808.321

(1) The parent applicant mentioned in paragraph 808.311(b) is granted a Subclass 808 visa on the basis of satisfying clause 808.213.

(2) The applicant satisfies public interest criteria 4007, 4010, 4012, 4014, 4017, 4018, 4020 and 4021.

808.4—Circumstances applicable to grant

808.411A

The applicant satisfies clause 808.411 or 808.412 (which applies to some former holders of Norfolk Island immigration permits).

808.411

The applicant must be inside Australia, but not in immigration clearance when the visa is granted.

Note: The second instalment of the visa application charge (if any), must be paid before the visa can be granted.

808.412

(1) This clause applies if the applicant satisfies clause 808.213 or 808.311.

(2) The applicant may be in or outside Australia when the visa is granted, but must not be in immigration clearance.

808.5—When visa is in effect

808.511

Visa granted on basis of satisfaction of paragraph 808.211(a) or (c): permanent visa.

808.512

Visa granted on basis of satisfaction of paragraph 808.211(b) or (d): permanent visa permitting the holder to travel to and enter Australia for a period of 5 years from the date of grant.

808.513

(1) Visa granted on the basis of satisfaction of clause 808.213: permanent visa permitting the holder to travel to and enter Australia for a period of 5 years from the date of grant.

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Clause 808.513

(2) Visa granted on the basis of satisfaction of clause 808.311 in relation to a parent applicant mentioned in paragraph 808.311(b): permanent visa permitting the holder to travel to and enter Australia for the period permitted in relation to the parent applicant under subclause (1) of this clause.

808.6—Conditions: Nil.

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Subclass 820—Partner

820.1—Interpretation

820.111

In this Part:

court means a Court of Australia or an external Territory.

original sponsor means the Australian citizen, Australian permanent resident or eligible New Zealand citizen who was specified in the application for a Subclass 300 (Prospective Marriage) visa as the person whom the applicant intended to marry after entry into Australia.

sponsoring partner means:

(a) in subclauses 820.211(2) and (2B) and clause 820.221:
  (i) for an applicant who is, or was, the holder of a Subclass 300 (Prospective Marriage) visa:
    (A) the original sponsor for the applicant; or
    (B) the subsequent sponsor for the applicant; or
  (ii) for any other applicant—the Australian citizen, Australian permanent resident or eligible New Zealand citizen who was specified in the application as the spouse or de facto partner of the applicant; and

(b) in any other provision of this Part:
  (i) for an applicant who is, or was, the holder of a Subclass 300 (Prospective Marriage) visa—the original sponsor for the applicant; or
  (ii) for any other applicant—the Australian citizen, Australian permanent resident or eligible New Zealand citizen who was specified in the application as the spouse or de facto partner of the applicant.

subsequent sponsor means a person who:

(a) is an Australian citizen, Australian permanent resident or eligible New Zealand citizen; and
(b) is not the original sponsor for the applicant; and
(c) is the spouse or de facto partner of the applicant.

Note: ***eligible New Zealand citizen***, ***SOFA forces civilian component member*** and ***SOFA forces member*** are defined in regulation 1.03. For ***de facto partner***, see section 5CB of the Act (also see regulation 1.09A). For ***spouse***, see section 5F of the Act (also see regulation 1.15A).

820.2—Primary criteria

Note: The primary criteria must be satisfied by at least 1 member of a family unit. The dependent child of an applicant who satisfies the primary criteria is also eligible for the grant of the visa if the child satisfies the secondary criteria.

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Clause 820.211

820.21—Criteria to be satisfied at time of application

820.211

(1) The applicant:
  (a) is not the holder of a Subclass 771 (Transit) visa; and
  (b) meets the requirements of subclause (2), (5), (6), (7), (8) or (9).

(2) An applicant meets the requirements of this subclause if:
  (a) the applicant is the spouse or de facto partner of a person who:
    (i) is an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen; and
    (ii) is not prohibited by subclause (2B) from being a sponsoring partner; and
  (c) the applicant is sponsored:
    (i) if the applicant's spouse or de facto partner has turned 18—by the spouse or de facto partner; or
    (ii) if the applicant's spouse has not turned 18—by a parent or guardian of the spouse who:
      (A) has turned 18; and
      (B) is an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen; and
  (d) in the case of an applicant who is not the holder of a substantive visa—either:
    (i) the applicant:
      (A) entered Australia as the holder of a Subclass 995 (Diplomatic) visa or as a special purpose visa holder who at the time of entry met the requirements of subclause (2A); and
      (B) satisfies Schedule 3 criterion 3002; or
    (ii) the applicant satisfies Schedule 3 criteria 3001, 3003 and 3004, unless the Minister is satisfied that there are compelling reasons for not applying those criteria.

(2A) An applicant meets the requirements of this subclause if:
  (a) the applicant is:
    (i) a SOFA member; or
    (ii) a SOFA forces civilian component member; or
  (b) the applicant:
    (i) is a dependent child of a person referred to in paragraph (a); and
    (ii) holds a valid national passport and certificate that he or she is a dependant of a SOFA forces member or a SOFA forces civilian component member, as the case requires.

(2B) The spouse or de facto partner of the applicant is prohibited from being a sponsoring partner if:

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(a) the spouse or de facto partner is a woman who was granted a Subclass 204 (Woman at Risk) visa within the 5 years immediately preceding the application; and
(b) on the date of grant of that visa:
(i) the applicant was a former spouse or former de facto partner of that woman, having been divorced or permanently separated from that woman; or
(ii) the applicant was the spouse or de facto partner of that woman, and that relationship had not been declared to Immigration.

(5) An applicant meets the requirements of this subclause if:
(a) the applicant is not the holder of a substantive visa; and
(b) the applicant last entered Australia as the holder of a Subclass 300 (Prospective Marriage) visa; and
(c) the applicant has married the Australian citizen, Australian permanent resident or eligible New Zealand citizen whom the applicant entered Australia to marry; and
(d) the applicant ceased to hold a substantive visa after marrying that Australian citizen, Australian permanent resident or eligible New Zealand citizen; and
(e) the applicant is the spouse of the sponsoring partner; and
(f) the applicant is sponsored:
(i) if the applicant's spouse has turned 18—by the spouse; or
(ii) if the applicant's spouse has not turned 18—by a parent or guardian of the spouse who:
(A) has turned 18; and
(B) is an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen.

(6) An applicant meets the requirements of this subclause if the applicant:
(a) is the holder of a Subclass 300 (Prospective Marriage) visa; and
(b) has married the sponsoring partner under a marriage that is recognised as valid for the purposes of the Act; and
(c) the applicant is sponsored:
(i) if the applicant's spouse has turned 18—by the spouse; or
(ii) if the applicant's spouse has not turned 18—by a parent or guardian of the spouse who:
(A) has turned 18; and
(B) is an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen; and
(d) continues to be the spouse of the sponsoring partner.

(7) An applicant meets the requirements of this subclause if:
(a) the applicant is the holder of a Subclass 300 (Prospective Marriage) visa; and
(c) the sponsoring partner has died; and

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(d) the applicant satisfies the Minister that the applicant would have continued to be the spouse or prospective spouse of the sponsoring partner if the sponsoring partner had not died.

(8) An applicant meets the requirements of this subclause if:

(a) the applicant is the holder of a Subclass 300 (Prospective Marriage) visa; and

(c) the relationship between the applicant and the sponsoring partner has ceased; and

(d) either or both of the following circumstances applies:

(i) any one or more of the following:

(A) the applicant;

(B) a member of the family unit of the applicant who has made a combined application with the applicant;

(C) a dependent child of the sponsoring partner or of the applicant or of both of them;

has experienced family violence committed by the sponsoring partner;

(ii) the applicant:

(A) has custody or joint custody of, or access to; or

(B) has a residence order or contact order made under the *Family Law Act 1975* relating to;

at least one child in respect of whom the sponsoring partner:

(C) has been granted joint custody or access by a court; or

(D) has a residence order or contact order made under the *Family Law Act 1975*; or

(E) has an obligation under a child maintenance order made under the *Family Law Act 1975*, or any other formal maintenance obligation.

Note: For special provisions relating to family violence, see Division 1.5.

(9) An applicant meets the requirements of this subclause if:

(a) the applicant is not the holder of a substantive visa; and

(b) the applicant has been the holder of a Subclass 300 (Prospective Marriage) visa; and

(d) the relationship between the applicant and the sponsoring partner has ceased; and

(e) either or both of the following circumstances applies:

(i) any one or more of the following:

(A) the applicant;

(B) a member of the family unit of the applicant who has made a combined application with the applicant;

(C) a dependent child of the sponsoring partner or of the applicant or of both of them;

has experienced family violence committed by the sponsoring partner;

(ii) the applicant:

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(A) has custody or joint custody of, or access to; or
(B) has a residence order or contact order made under the *Family Law Act 1975* relating to;

at least one child in respect of whom the sponsoring partner:

(C) has been granted joint custody or access by a court; or
(D) has a residence order or contact order made under the *Family Law Act 1975*; or
(E) has an obligation under a child maintenance order made under the *Family Law Act 1975*, or any other formal maintenance obligation.

Note: For special provisions relating to family violence, see Division 1.5.

820.212

If:

(a) the applicant is the holder of:
(ii) a Subclass 475 (Skilled—Regional Sponsored) visa; or
(iii) a Subclass 487 (Skilled—Regional Sponsored) visa; or
(iv) a Skilled—Regional Sponsored (Provisional) (Class SP) visa; or
(v) a Skilled Work Regional (Provisional) (Class PS) visa; or
(vi) a Skilled Employer Sponsored Regional (Provisional) (Class PE) visa; or
(b) the last substantive visa held by the applicant since entering Australia was:
(i) a Skilled—Independent Regional (Provisional) (Class UX) visa; or
(ii) a Subclass 475 (Skilled—Regional Sponsored) visa; or
(iii) a Subclass 487 (Skilled—Regional Sponsored) visa; or
(iv) a Skilled—Regional Sponsored (Provisional) (Class SP) visa; or
(v) a Skilled Work Regional (Provisional) (Class PS) visa; or
(vi) a Skilled Employer Sponsored Regional (Provisional) (Class PE) visa;

the applicant has substantially complied with the conditions to which that visa was subject.

820.22—Criteria to be satisfied at time of decision

820.221

(1) In the case of an applicant referred to in subclause 820.211(2), (5), (6), (7), (8) or (9), the applicant either:
(a) continues to meet the requirements of the applicable subclause; or
(b) meets the requirements of subclause (2) or (3).

(2) An applicant meets the requirements of this subclause if the applicant:
(a) would continue to meet the requirements of subclause 820.211(2), (5) or (6) except that the sponsoring partner has died; and

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(b) satisfies the Minister that the applicant would have continued to be the spouse or de facto partner of the sponsoring partner if the sponsoring partner had not died.

(3) An applicant meets the requirements of this subclause if:

(a) the applicant would continue to meet the requirements of subclause 820.211(2), (5) or (6) except that the relationship between the applicant and the sponsoring partner has ceased; and

(b) either or both of the following circumstances applies:

(i) either or both of the following:

(A) the applicant;

(B) a dependent child of the sponsoring partner or of the applicant or of both of them;

has experienced family violence committed by the sponsoring partner;

(ii) the applicant:

(A) has custody or joint custody of, or access to; or

(B) has a residence order or contact order made under the *Family Law Act 1975* relating to;

at least 1 child in respect of whom the sponsoring partner:

(C) has been granted joint custody or access by a court; or

(D) has a residence order or contact order made under the *Family Law Act 1975*; or

(E) has an obligation under a child maintenance order made under the *Family Law Act 1975*, or any other formal maintenance obligation.

Note: For special provisions relating to family violence, *see* Division 1.5.

(4) If paragraph 820.211(2)(c), (5)(f) or (6)(c) requires the applicant to be sponsored:

(a) the sponsorship has been approved by the Minister and is still in force; and

(b) the sponsor has consented to the disclosure by the Department, to each applicant included in the sponsorship, of any conviction of the sponsor for a relevant offence (within the meaning of subregulation 1.20KC(2)).

Note 1: Regulations 1.20J, 1.20KA, 1.20KB and 1.20KC limit the Minister's discretion to approve sponsorships.

Note 2: The sponsor may be asked to consent to the disclosure mentioned in paragraph (b) on the approved form required to be completed by the sponsor in relation to the visa application.

(5) For the purposes of subclause (4), the conviction of the sponsor for a relevant offence is to be disregarded if:

(a) the conviction has been quashed or otherwise nullified; or

(b) both:

(i) the sponsor has been pardoned in relation to the conviction; and

(ii) the effect of that pardon is that the sponsor is taken never to have been convicted of the offence.

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820.221A

Unless the applicant:

(a) is, or has been, the holder of a Subclass 300 (Prospective Marriage) visa; and

(b) is seeking to remain permanently in Australia on the basis of the applicant's marriage to the person who was specified as the intended spouse in the application that resulted in the grant of that Subclass 300 (Prospective Marriage) visa;

the sponsorship of the applicant under clause 820.211 has been approved by the Minister.

Note: Regulations 1.20J, 1.20KA, 1.20KB and 1.20KC limit the Minister's discretion to approve sponsorships.

820.223

(1) The applicant:

(a) subject to subclause (2)—satisfies public interest criteria 4001, 4002, 4003, 4004, 4007 and 4009; and

(b) if the applicant had turned 18 at the time of application—satisfies public interest criterion 4019.

(2) Paragraph (1)(a) does not apply to an applicant referred to in subclause 820.211(5).

820.224

(1) Each member of the family unit of the applicant who is an applicant for a Subclass 820 visa is a person who:

(a) subject to subclause (2)—satisfies public interest criteria 4001, 4002, 4003, 4004, 4007 and 4009; and

(b) if the person had turned 18 at the time of application—satisfies public interest criterion 4019; and

(c) satisfies public interest criterion 4020.

(1A) Each member of the family unit of the applicant who is not an applicant for a Subclass 820 visa is a person who:

(a) subject to subclause (2)—satisfies public interest criteria 4001, 4002, 4003 and 4004; and

(b) satisfies public interest criterion 4007, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.

(2) Paragraphs (1)(a) and (1A) (a) do not apply to an applicant who:

(a) is a dependent child of an applicant referred to in subclause 820.211(5); and

(b) entered Australia as the holder of a visa of the same class as the visa held by that other applicant.

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Clause 820.225

820.225

If a person (in this clause called the additional applicant):

(a) is a member of the family unit of the applicant; and

(b) has not turned 18; and

(c) made a combined application with the applicant—

public interest criteria 4015 and 4016 are satisfied in relation to the additional applicant.

820.226

The applicant satisfies public interest criteria 4020 and 4021.

820.3—Secondary criteria

Note: A dependent child, or a member of the family unit, of an applicant who satisfies the primary criteria is also eligible for the grant of the visa if the child or member of the family unit satisfies the secondary criteria.

820.31—Criteria to be satisfied at time of application

820.311

The applicant is:

(a) either:

(i) a dependent child of a person who has applied for a Partner (Residence) (Class BS) visa; or

(ii) a member of the family unit of a person who:

(A) is the holder of, or has been the holder of, a Subclass 300 (Prospective Marriage) visa; and

(B) has applied for a Partner (Residence) (Class BS) visa; and

(b) the sponsorship (if any) in respect of that person includes the applicant; and

(c) the Minister has not decided to grant or refuse to grant a visa to the person.

820.312

In the case of an applicant who is not the holder of a substantive visa—either:

(a) the applicant:

(i) entered Australia as the holder of a Subclass 995 (Diplomatic) visa or as a special purpose visa holder who at the time of entry met the requirements of subclause 820.211(2A); and

(ii) satisfies Schedule 3 criterion 3002; or

(b) the applicant satisfies Schedule 3 criteria 3001, 3003 and 3004, unless the Minister is satisfied that there are compelling reasons for not applying those criteria.

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820.313

If:

(a) the applicant is the holder of:
  (ii) a Subclass 475 (Skilled—Regional Sponsored) visa; or
  (iii) a Subclass 487 (Skilled—Regional Sponsored) visa; or
  (iv) a Skilled—Regional Sponsored (Provisional) (Class SP) visa; or
  (v) a Skilled Work Regional (Provisional) (Class PS) visa; or
  (vi) a Skilled Employer Sponsored Regional (Provisional) (Class PE) visa; or

(b) the last substantive visa held by the applicant since entering Australia was:
  (i) a Skilled—Independent Regional (Provisional) (Class UX) visa; or
  (ii) a Subclass 475 (Skilled—Regional Sponsored) visa; or
  (iii) a Subclass 487 (Skilled—Regional Sponsored) visa; or
  (iv) a Skilled—Regional Sponsored (Provisional) (Class SP) visa; or
  (v) a Skilled Work Regional (Provisional) (Class PS) visa; or
  (vi) a Skilled Employer Sponsored Regional (Provisional) (Class PE) visa;

the applicant has substantially complied with the conditions to which that visa was subject.

820.32—Criteria to be satisfied at time of decision

820.321

In the case of an applicant referred to in clause 820.311, the applicant:

(a) is a person who is dependent on, or a member of the family unit of, another person who having satisfied the primary criteria, is the holder of a Subclass 820 (Partner) visa (the ***person who satisfies the primary criteria***); or

(b) is a person to whom each of the following applies:
  (i) the person made a combined application with the person who satisfies the primary criteria;
  (ii) subsequent to the combined application being made, the person was found by the Minister not to be dependent on, or a member of the family unit of, the person who satisfies the primary criteria;
  (iii) subsequent to the person who satisfies the primary criteria being granted a Subclass 820 (Partner) visa and a Subclass 801 (Partner) visa—the ART found the person to be dependent on, or a member of the family unit of, the person who satisfies the primary criteria.

820.323

(1) The applicant:

(a) subject to subclause (2)—satisfies public interest criteria 4001, 4002, 4003, 4004, 4007 and 4009; and

(b) if the applicant had turned 18 at the time of application—satisfies public interest criterion 4019.

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(2) Paragraph (1)(a) does not apply to an applicant referred to in subclause 820.311 who:
  (a) is a dependent child of another applicant referred to in subclause 820.211(5); and
  (b) entered Australia as the holder of a visa of the same class as the visa held by that other applicant.

820.324

If the applicant has not turned 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.

820.325

The sponsorship mentioned in paragraph 820.311(b) has been approved by the Minister and is still in force.

820.326

The applicant satisfies public interest criteria 4020 and 4021.

820.4—Circumstances applicable to grant

820.411

The applicant may be in or outside Australia when the visa is granted, but not in immigration clearance.

820.5—When visa is in effect

820.511

Temporary visa permitting the holder to travel to and enter Australia until:
  (a) the holder is notified that his or her application for a Subclass 801 (Partner) visa has been decided; or
  (b) that application is withdrawn.

820.6—Conditions: Nil.

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Subclass 835—Remaining Relative

835.1—Interpretation

835.111

In this Part:

Australian relative means a relative of the applicant who is an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen.

Note: ***Australian relative***, ***dependent child***, ***eligible New Zealand citizen*** and ***settled*** are defined in regulation 1.03. ***Remaining relative*** is defined in regulation 1.15. ***De facto partner*** is defined in section 5CB of the Act (also see regulations 1.09A and 2.03A) and ***spouse*** is defined in section 5F of the Act (also see regulation 1.15A).

835.2—Primary criteria

Note: The primary criteria must be satisfied by at least one member of a family unit. The other members of the family unit who are applicants for a visa of this subclass need only satisfy the secondary criteria.

835.21—Criteria to be satisfied at time of application

835.211

The applicant is:

(a) the holder of a substantive visa (other than a Subclass 771 (Transit) visa); or

(b) a person who:

(i) is not the holder of a substantive visa; and

(ii) immediately before ceasing to hold a substantive visa, was not the holder of a Subclass 771 (Transit) visa; and

(iii) satisfies Schedule 3 criterion 3002.

835.212

The applicant is a remaining relative of an Australian relative.

835.213

The applicant is sponsored:

(a) by the Australian relative, if the Australian relative:

(i) has turned 18; and

(ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; and

(iii) is usually resident in Australia; or

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(b) by the spouse or de facto partner of the Australian relative, if the spouse or de facto partner:
  (i) has turned 18; and
  (ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; and
  (iii) is usually resident in Australia; and
  (iv) cohabits with the Australian relative.

835.22—Criteria to be satisfied at time of decision

835.221

The applicant continues to satisfy the criterion in clause 835.212.

835.222

The Minister is satisfied that an assurance of support in relation to the applicant has been accepted by the Secretary of Social Services.

835.223

The applicant:
(a) satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4009, 4010, 4020 and 4021; and
(b) if the applicant had turned 18 at the time of application—satisfies public interest criterion 4019.

835.224

(1) Each person who is covered by subclause (2), (3) or (4):
  (a) satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4009, 4010 and 4020; and
  (b) if the person had turned 18 at the time of application—satisfies public interest criterion 4019.

(2) This subclause covers a person:
  (a) who is a member of the family unit of the applicant (the ***primary applicant***); and
  (b) who is also an applicant for a Subclass 835 visa.

(3) This subclause covers a person (the ***relevant person***) if:
  (a) the relevant person was, at the time of the primary applicant's application, a member of the family unit of the primary applicant; and
  (b) the relevant person is an applicant for a Subclass 835 visa; and
  (c) the Minister is satisfied that one or more of the following has experienced family violence committed by the primary applicant:
    (i) the relevant person;

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(ii) a member of the family unit of the relevant person who has made a combined application with the relevant person or with the primary applicant;
(iii) a dependent child of the relevant person or of the primary applicant.

Note: For special provisions relating to family violence, see Division 1.5.

(4) This subclause covers a person if:
(a) the person was, at the time of the primary applicant's application, a member of the family unit of the primary applicant but is no longer a member of the family unit of the primary applicant; and
(b) the person is an applicant for a Subclass 835 visa; and
(c) the person is a member of the family unit of a person covered by subclause (3).

835.224A

(1) Each person:
(a) who is a member of the family unit of the applicant; and
(b) who is not an applicant for a Subclass 835 visa;
satisfies public interest criteria 4001, 4002, 4003 and 4004, and satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.

(2) Each person:
(a) who was, at the time of application, a member of the family unit of the applicant but is no longer a member of the family unit of the applicant; and
(b) who is a member of the family unit of a person covered by subclause 835.224(3) or (4); and
(c) who is not an applicant for a Subclass 835 visa;
satisfies public interest criteria 4001, 4002, 4003 and 4004, and satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.

835.225

If a person (in this clause called the additional applicant):
(a) is a person covered by subclause 835.224(2), (3) or (4); and
(b) has not turned 18; and
(c) made a combined application with the applicant—
public interest criteria 4015 and 4016 are satisfied in relation to the additional applicant.

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Clause 835.226

835.226

If the applicant has not turned 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.

835.227

A sponsorship of the kind mentioned in clause 835.213, approved by the Minister, is in force, whether or not the sponsor was the sponsor at the time of application.

Note: The applicant may seek the Minister's approval for a change of sponsor as long as the new sponsor meets the description in clause 835.213.

835.3—Secondary criteria

Note: These criteria are for applicants seeking to satisfy the secondary criteria.

835.31—Criteria to be satisfied at time of application

835.311

(1) The applicant:

(a) is a member of the family unit of a person (the ***primary applicant***) who:

(i) has applied for an Other Family (Residence) (Class BU) visa; and

(ii) on the basis of the information provided in the application, appears to satisfy the criteria in Subdivision 835.21;

and the Minister has not decided to grant or refuse to grant the visa to that other person; or

(b) is a member of the family unit of a person covered by subclause (2).

(2) This subclause covers a person (the ***relevant person***) if:

(a) the relevant person was, at the time of the relevant person's application for the visa, the spouse or de facto partner of the primary applicant; and

(b) the relevant person made a combined application with the primary applicant; and

(c) the relationship between the relevant person and the primary applicant has ceased; and

(d) one or more of the following has experienced family violence committed by the primary applicant:

(i) the relevant person;

(ii) a member of the family unit of the relevant person or the primary applicant;

(iii) a dependent child of the relevant person or primary applicant.

Note: For special provisions relating to family violence, see Division 1.5.

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835.312

(1) A sponsorship of the kind mentioned in clause 835.213 of the person who satisfies the primary criteria, approved by the Minister:
  (a) is in force; and
  (b) includes sponsorship of the applicant.

(2) Subclause (1) does not apply if paragraph 835.311(1)(b) applies to the applicant.

835.32—Criteria to be satisfied at time of decision

835.321

(1) The applicant meets the requirements of subclause (2), (3), (4) or (5).

(2) The applicant meets the requirements of this subclause if the applicant:
  (a) is the member of the family unit of a person (the ***primary applicant***) who holds a Subclass 835 visa granted on the basis of satisfying the primary criteria for the grant of the visa; and
  (b) made a combined application with the primary applicant.

(3) The applicant meets the requirements of this subclause if:
  (a) at the time of the application, the applicant was the spouse or de facto partner of a person (the ***primary applicant***) seeking to satisfy the primary criteria for the grant of a Subclass 835 visa, and the primary applicant has since been granted that visa; and
  (b) the relationship between the primary applicant and the applicant has ceased; and
  (c) one or more of the following has experienced family violence committed by the primary applicant:
    (i) the applicant;
    (ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
    (iii) a dependent child of the applicant or of the primary applicant; and
  (d) the applicant entered Australia after the applicant's visa application was made.

(4) The applicant meets the requirements of this subclause if:
  (a) at the time of the application, the applicant was the spouse or de facto partner of a person (the ***primary applicant***) seeking to satisfy the primary criteria for the grant of a Subclass 835 visa; and
  (b) the relationship between the primary applicant and the applicant has ceased; and
  (c) one or more of the following has experienced family violence committed by the primary applicant:
    (i) the applicant;
    (ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;

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(iii) a dependent child of the applicant or of the primary applicant; and

(d) the Minister has decided to refuse to grant the primary applicant the visa for reasons including that the primary applicant had engaged in conduct involving family violence (whether or not the family violence was against a person mentioned in paragraph (c)).

(5) The applicant meets the requirements of this subclause if:

(a) the applicant is a member of the family unit of a person (the ***secondary applicant***) who meets the requirements of subclause (3) or (4); and

(b) the applicant has made a combined application with the secondary applicant or the primary applicant mentioned in subclause (3) or (4) (whichever applies to the secondary applicant); and

(c) a Subclass 835 visa has since been granted to the secondary applicant.

Note: For special provisions relating to family violence, see Division 1.5.

835.322

The applicant:

(a) satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4009, 4010, 4020 and 4021; and

(b) if the applicant had turned 18 at the time of application—satisfies public interest criterion 4019.

835.323

The Minister is satisfied that:

(a) the applicant is included in the assurance of support given in relation to the person who satisfies the primary criteria, and that assurance has been accepted by the Secretary of Social Services; or

(b) an assurance of support in relation to the applicant has been accepted by the Secretary of Social Services.

835.324

If the applicant has not turned 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.

835.325

(1) The applicant is sponsored:

(a) by an Australian relative for the applicant, an Australian relative for the primary applicant mentioned in subclause 835.321(2), (3) or (4) or an Australian relative for an applicant who meets the requirements of subclause 835.321(3) or (4), if the relative:

(i) has turned 18; and

(ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; and

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(iii) is usually resident in Australia; or

(b) by the spouse or de facto partner of the relative, if the spouse or de facto partner:

(i) has turned 18; and

(ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; and

(iii) is usually resident in Australia; and

(iv) cohabits with the Australian relative.

(2) The sponsorship is approved by the Minister and is in force.

835.326

(1) This clause applies if the applicant (the ***secondary applicant***) meets the requirements of subclause 835.321(3) or (4).

(2) Each member of the family unit of the secondary applicant who is an applicant for a Subclass 835 visa satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4009, 4010 and 4020.

(3) Each member of the family unit of the secondary applicant who is an applicant for a Subclass 835 visa and who has turned 18 at the time of application satisfies public interest criterion 4019.

(4) Public interest criteria 4015 and 4016 are satisfied in relation to each member of the family unit of the secondary applicant who is an applicant for a Subclass 835 visa and who has not turned 18 at the time of decision.

(5) Each member of the family unit of the secondary applicant who is not an applicant for a Subclass 835 visa:

(a) satisfies public interest criteria 4001, 4002, 4003 and 4004; and

(b) satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the member to undergo assessment in relation to that criterion.

835.4—Circumstances applicable to grant

835.411

The applicant must be in Australia, but not in immigration clearance, when the visa is granted.

Note: The second instalment of the visa application charge must be paid before the visa can be granted.

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Clause 835.511

835.5—When visa is in effect

835.511

Permanent visa permitting the holder to travel to and enter Australia for a period of 5 years from the date of grant.

835.6—Conditions: Nil.

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Subclass 836—Carer

836.1—Interpretation

836.111

In this Part:

Australian relative means a relative of the applicant who is an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen.

Note: ***dependent child***, ***eligible New Zealand citizen*** and ***settled*** are defined in regulation 1.03, and ***carer*** is defined in regulation 1.15AA.

836.2—Primary criteria

Note: The primary criteria must be satisfied by at least one member of a family unit. The other members of the family unit who are applicants for a visa of this subclass need only satisfy the secondary criteria.

836.21—Criteria to be satisfied at time of application

836.211

The applicant is:

(a) the holder of a substantive visa (other than a Subclass 771 (Transit) visa); or

(b) a person who:

(i) is not the holder of a substantive visa; and

(ii) immediately before ceasing to hold a substantive visa, was not the holder of a Subclass 771 (Transit) visa; and

(iii) satisfies Schedule 3 criterion 3002.

836.212

The applicant claims to be the carer of an Australian relative.

836.213

The applicant is sponsored:

(a) by the Australian relative, if the Australian relative:

(i) has turned 18; and

(ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; and

(iii) is usually resident in Australia; or

(b) by the spouse or de facto partner of the Australian relative, if the spouse or de facto partner:

(i) has turned 18; and

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(ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; and
(iii) is usually resident in Australia; and
(iv) cohabits with the Australian relative.

836.22—Criteria to be satisfied at time of decision

836.221

The applicant is a carer of a person referred to in clause 836.212.

836.223

The applicant:
(a) satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4009, 4010, 4020 and 4021; and
(b) if the applicant had turned 18 at the time of application—satisfies public interest criterion 4019.

836.224

(1) Each person who is covered by subclause (2), (3) or (4):
(a) satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4009, 4010 and 4020; and
(b) if the person had turned 18 at the time of application—satisfies public interest criterion 4019.

(2) This subclause covers a person:
(a) who is a member of the family unit of the applicant (the ***primary applicant***); and
(b) who is also an applicant for a Subclass 836 visa.

(3) This subclause covers a person (the ***relevant person***) if:
(a) the relevant person was, at the time of the primary applicant's application, a member of the family unit of the primary applicant; and
(b) the relevant person is an applicant for a Subclass 836 visa; and
(c) the Minister is satisfied that one or more of the following has experienced family violence committed by the primary applicant:
(i) the relevant person;
(ii) a member of the family unit of the relevant person who has made a combined application with the relevant person or with the primary applicant;
(iii) a dependent child of the relevant person or of the primary applicant.

Note: For special provisions relating to family violence, see Division 1.5.

(4) This subclause covers a person if:

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(a) the person was, at the time of the primary applicant's application, a member of the family unit of the primary applicant but is no longer a member of the family unit of the primary applicant; and
(b) the person is an applicant for a Subclass 836 visa; and
(c) the person is a member of the family unit of a person covered by subclause (3).

836.224A

(1) Each person:
(a) who is a member of the family unit of the applicant; and
(b) who is not an applicant for a Subclass 836 visa;
satisfies public interest criteria 4001, 4002, 4003 and 4004, and satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.

(2) Each person:
(a) who was, at the time of application, a member of the family unit of the applicant but is no longer a member of the family unit of the applicant; and
(b) who is a member of the family unit of a person covered by subclause 836.224(3) or (4); and
(c) who is not an applicant for a Subclass 836 visa;
satisfies public interest criteria 4001, 4002, 4003 and 4004, and satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.

836.225

If a person (in this clause called the additional applicant):
(a) is a person covered by subclause 836.224(2), (3) or (4); and
(b) has not turned 18; and
(c) made a combined application with the applicant—
public interest criteria 4015 and 4016 are satisfied in relation to the additional applicant.

836.226

If the applicant has not turned 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.

836.227

The sponsorship mentioned in clause 836.213 has been approved by the Minister and is still in force.

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Clause 836.311

836.3—Secondary criteria

Note: These criteria are for applicants seeking to satisfy the secondary criteria.

836.31—Criteria to be satisfied at time of application

836.311

(1) The applicant:

(a) is a member of the family unit of a person (the ***primary applicant***) who:

(i) has applied for an Other Family (Residence) (Class BU) visa; and

(ii) on the basis of the information provided in the application, appears to satisfy the criteria in Subdivision 836.21;

and the Minister has not decided to grant or refuse to grant the visa to that other person; or

(b) is a member of the family unit of a person covered by subclause (2).

(2) This subclause covers a person (the ***relevant person***) if:

(a) the relevant person was, at the time of the relevant person's application for the visa, the spouse or de facto partner of the primary applicant; and

(b) the relevant person made a combined application with the primary applicant; and

(c) the relationship between the relevant person and the primary applicant has ceased; and

(d) one or more of the following has experienced family violence committed by the primary applicant:

(i) the relevant person;

(ii) a member of the family unit of the relevant person or the primary applicant;

(iii) a dependent child of the relevant person or primary applicant.

Note: For special provisions relating to family violence, see Division 1.5.

836.312

(1) The sponsorship mentioned in clause 836.213 of the person who satisfies the primary criteria includes sponsorship of the applicant.

(2) Subclause (1) does not apply if paragraph 836.311(1)(b) applies to the applicant.

836.32—Criteria to be satisfied at time of decision

836.321

(1) The applicant meets the requirements of subclause (2), (3), (4) or (5).

(2) The applicant meets the requirements of this subclause if the applicant:

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(a) is the member of the family unit of a person (the ***primary applicant***) who holds a Subclass 836 visa granted on the basis of satisfying the primary criteria for the grant of the visa; and
(b) made a combined application with the primary applicant.

(3) The applicant meets the requirements of this subclause if:
(a) at the time of the application, the applicant was the spouse or de facto partner of a person (the ***primary applicant***) seeking to satisfy the primary criteria for the grant of a Subclass 836 visa, and the primary applicant has since been granted that visa; and
(b) the relationship between the primary applicant and the applicant has ceased; and
(c) one or more of the following has experienced family violence committed by the primary applicant:
(i) the applicant;
(ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
(iii) a dependent child of the applicant or of the primary applicant; and
(d) the applicant:
(i) was in Australia at the time the applicant's visa application was made; or
(ii) entered Australia after the applicant's visa application was made.

(4) The applicant meets the requirements of this subclause if:
(a) at the time of the application, the applicant was the spouse or de facto partner of a person (the ***primary applicant***) seeking to satisfy the primary criteria for the grant of a Subclass 836 visa; and
(b) the relationship between the primary applicant and the applicant has ceased; and
(c) one or more of the following has experienced family violence committed by the primary applicant:
(i) the applicant;
(ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
(iii) a dependent child of the applicant or of the primary applicant; and
(d) the Minister has decided to refuse to grant the primary applicant the visa for reasons including that the primary applicant had engaged in conduct involving family violence (whether or not the family violence was against a person mentioned in paragraph (c)).

(5) The applicant meets the requirements of this subclause if:
(a) the applicant is a member of the family unit of a person (the ***secondary applicant***) who meets the requirements of subclause (3) or (4); and
(b) the applicant has made a combined application with the secondary applicant or the primary applicant mentioned in subclause (3) or (4) (whichever applies to the secondary applicant); and
(c) a Subclass 836 visa has since been granted to the secondary applicant.

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Clause 836.322

Note: For special provisions relating to family violence, see Division 1.5.

836.322

The applicant:

(a) satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4009, 4010, 4020 and 4021; and

(b) if the applicant had turned 18 at the time of application—satisfies public interest criterion 4019.

836.324

If the applicant has not turned 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.

836.325

(1) The applicant is sponsored:

(a) by an Australian relative for the applicant, an Australian relative for the primary applicant mentioned in subclause 836.321(2), (3) or (4) or an Australian relative for an applicant who meets the requirements of subclause 836.321(3) or (4), if the relative:

(i) has turned 18; and

(ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; and

(iii) is usually resident in Australia; or

(b) by the spouse or de facto partner of the relative, if the spouse or de facto partner:

(i) has turned 18; and

(ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; and

(iii) is usually resident in Australia; and

(iv) cohabits with the Australian relative.

(2) The sponsorship is approved by the Minister and is in force.

836.326

(1) This clause applies if the applicant (the ***secondary applicant***) meets the requirements of subclause 836.321(3) or (4).

(2) Each member of the family unit of the secondary applicant who is an applicant for a Subclass 836 visa satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4009, 4010 and 4020.

(3) Each member of the family unit of the secondary applicant who is an applicant for a Subclass 836 visa and who has turned 18 at the time of application satisfies public interest criterion 4019.

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(4) Public interest criteria 4015 and 4016 are satisfied in relation to each member of the family unit of the secondary applicant who is an applicant for a Subclass 836 visa and who has not turned 18 at the time of decision.

(5) Each member of the family unit of the secondary applicant who is not an applicant for a Subclass 836 visa:
  (a) satisfies public interest criteria 4001, 4002, 4003 and 4004; and
  (b) satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the member to undergo assessment in relation to that criterion.

836.4—Circumstances applicable to grant

836.411

The applicant must be in Australia, but not in immigration clearance, when the visa is granted.

Note: The second instalment of the visa application charge must be paid before the visa can be granted, unless the applicant is a person in relation to whom the Minister has determined that the second instalment of the visa application charge should not be paid because the Minister is satisfied that payment of the instalment has caused, or is likely to cause, severe financial hardship to the applicant or to the person of whom the applicant is a carer.

836.5—When visa is in effect

836.511

Permanent visa permitting the holder to travel to and enter Australia for a period of 5 years from the date of grant.

836.6—Conditions: Nil.

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Subclass 837—Orphan Relative

837.1—Interpretation

837.111

In this Part:

Australian relative means a relative of the applicant who is an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen.

Note: ***dependent child***, ***eligible New Zealand citizen***, ***relative*** and ***settled*** are defined in regulation 1.03, ***orphan relative*** is defined in regulation 1.14, ***de facto partner*** is defined in section 5CB of the Act (also see regulation 1.09A), and ***spouse*** is defined in section 5F of the Act (also see regulation 1.15A).

837.2—Primary criteria

Note: The primary criteria must be satisfied by at least one member of a family unit. The other members of the family unit who are applicants for a visa of this subclass need only satisfy the secondary criteria.

837.21—Criteria to be satisfied at time of application

837.211

If the applicant is a person to whom section 48 of the Act applies, the applicant:

(a) has not been refused a visa or had a visa cancelled under section 501 of the Act; and

(b) since last applying for a substantive visa:

(i) has become an orphan relative of an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen; or

(ii) became an orphan relative of the person mentioned in subparagraph (i) and is no longer an orphan relative only because the applicant has been adopted by that person.

837.212

The applicant is:

(a) the holder of a substantive visa (other than a Subclass 771 (Transit) visa); or

(b) a person who:

(i) is not the holder of a substantive visa; and

(ii) immediately before ceasing to hold a substantive visa, was not the holder of a Subclass 771 (Transit) visa; and

(iii) satisfies Schedule 3 criterion 3002.

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837.213

The applicant:

(a) is an orphan relative of an Australian relative of the applicant; or

(b) is not an orphan relative only because the applicant has been adopted by the Australian relative mentioned in paragraph (a).

837.214

The applicant is sponsored:

(a) by the Australian relative, if the relative:

(i) has turned 18; and

(ii) is a settled Australian citizen, a settled Australian permanent resident, or a settled eligible New Zealand citizen; or

(b) by the spouse or de facto partner of the Australian relative, if the spouse or de facto partner:

(i) has turned 18; and

(ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; and

(iii) cohabits with the Australian relative.

837.22—Criteria to be satisfied at time of decision

837.221

The applicant:

(a) continues to satisfy the criterion in clause 837.213; or

(b) does not continue to satisfy that criterion only because the applicant has turned 18.

837.222

If the Minister has requested an assurance of support in relation to the applicant, the Minister is satisfied that the assurance has been accepted by the Secretary of Social Services.

837.223

The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4009, 4010, 4020 and 4021.

837.224

(1) Each member of the family unit of the applicant who is an applicant for a Subclass 837 visa satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4009, 4010 and 4020.

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(2) Each member of the family unit of the applicant who is not an applicant for a Subclass 837 visa:
  (a) satisfies public interest criteria 4001, 4002, 4003 and 4004; and
  (b) satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.

837.225

If the applicant has not turned 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.

837.226

The sponsorship mentioned in clause 837.214 has been approved by the Minister and is still in force.

Note: Regulation 1.20KB limits the Minister's discretion to approve sponsorships.

837.3—Secondary criteria

Note: If any member of a family unit satisfies the primary criteria, the other members of the family unit are eligible for the grant of the visa if they satisfy the secondary criteria and their applications are made before the Minister has decided to grant or refuse to grant the visa to the first person.

837.31—Criteria to be satisfied at time of application

837.311

The applicant is a member of the family unit of a person who:
  (a) has applied for a Child (Residence) (Class BT) visa; and
  (b) on the basis of the information provided in the application, appears to satisfy the criteria in Subdivision 837.21;

and the Minister has not decided to grant or refuse to grant the visa to that other person.

837.312

The sponsorship mentioned in clause 837.214 of the person who satisfies the primary criteria includes sponsorship of the applicant.

837.32—Criteria to be satisfied at time of decision

837.321

The applicant continues to be a member of the family unit of a person who, having satisfied the primary criteria, is the holder of a Subclass 837 visa.

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837.322

The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4009, 4010, 4020 and 4021.

837.323

If the Minister has requested an assurance of support in relation to the person who satisfies the primary criteria, the Minister is satisfied that:

(a) the applicant is included in the assurance of support given in relation to that person, and that assurance has been accepted by the Secretary of Social Services; or

(b) an assurance of support in relation to the applicant has been accepted by the Secretary of Social Services.

837.324

If the applicant has not turned 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.

837.325

The sponsorship mentioned in clause 837.312 has been approved by the Minister and is still in force.

837.4—Circumstances applicable to grant

837.411

The applicant must be in Australia, but not in immigration clearance, when the visa is granted.

Note: The second instalment of the visa application charge must be paid before the visa can be granted.

837.5—When visa is in effect

837.511

Permanent visa permitting the holder to travel to and enter Australia for a period of 5 years from the date of grant.

837.6—Conditions: Nil.

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Subclass 838—Aged Dependent Relative

838.1—Interpretation

838.111

In this Part:

Australian relative means a relative of the applicant who is an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen.

Note: ***aged dependent relative***, ***dependent child***, ***eligible New Zealand citizen*** and ***settled*** are defined in regulation 1.03.

838.2—Primary criteria

Note: The primary criteria must be satisfied by at least one member of a family unit. The other members of the family unit who are applicants for a visa of this subclass need satisfy only the secondary criteria.

838.21—Criteria to be satisfied at time of application

838.211

The applicant is:

(a) the holder of a substantive visa (other than a Subclass 771 (Transit) visa); or

(b) a person who:

(i) is not the holder of a substantive visa; and

(ii) immediately before ceasing to hold a substantive visa, was not the holder of a Subclass 771 (Transit) visa; and

(iii) satisfies Schedule 3 criterion 3002.

838.212

The applicant is an aged dependent relative of an Australian relative.

838.213

The applicant is sponsored:

(a) by the Australian relative, if the Australian relative:

(i) has turned 18; and

(ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; and

(iii) is usually resident in Australia; or

(b) by the spouse or de facto partner of the Australian relative, if the spouse or de facto partner:

(i) has turned 18; and

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(ii) is a settled Australian citizen, a settled Australian permanent resident or a settled New Zealand citizen; and
(iii) is usually resident in Australia; and
(iv) cohabits with the Australian relative.

838.22—Criteria to be satisfied at time of decision

838.221

The applicant continues to satisfy the criterion in clause 838.212.

838.222

The Minister is satisfied that an assurance of support in relation to the applicant has been accepted by the Secretary of Social Services.

838.223

The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4009, 4010, 4019, 4020 and 4021.

838.224

(1) Each member of the family unit of the applicant who is an applicant for a Subclass 838 visa is a person who:
(a) satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4009, 4010 and 4020; and
(b) if the person had turned 18 at the time of application—satisfies public interest criterion 4019.

(2) Each member of the family unit of the applicant who is not an applicant for a Subclass 838 visa satisfies:
(a) public interest criteria 4001, 4002, 4003 and 4004; and
(b) public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.

838.225

If a person (in this clause called the additional applicant):
(a) is a member of the family unit of the applicant; and
(b) has not turned 18; and
(c) made a combined application with the applicant—
public interest criteria 4015 and 4016 are satisfied in relation to the additional applicant.

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838.226

If the applicant has not turned 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.

838.227

The sponsorship mentioned in clause 838.213 has been approved by the Minister and is still in force.

838.3—Secondary criteria

Note: If any member of a family unit satisfies the primary criteria, the other members of the family unit are eligible for the grant of the visa if they satisfy the secondary criteria and their applications are made before the Minister has decided to grant or refuse to grant the visa to the first person.

838.31—Criteria to be satisfied at time of application

838.311

The applicant is a member of the family unit of a person who:

(a) has applied for an Other Family (Residence) (Class BU) visa; and

(b) on the basis of the information provided in his or her application, appears to satisfy the criteria in Subdivision 838.21;

and the Minister has not decided to grant or refuse to grant the visa to that other person.

838.312

The sponsorship mentioned in clause 838.213 of the person who satisfies the primary criteria includes sponsorship of the applicant.

838.32—Criteria to be satisfied at time of decision

838.321

The applicant continues to be a member of the family unit of a person who, having satisfied the primary criteria, is the holder of a Subclass 838 visa.

838.322

The applicant:

(a) satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4009, 4010, 4020 and 4021; and

(b) if the applicant had turned 18 at the time of application—satisfies public interest criterion 4019.

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838.323

The Minister is satisfied that:

(a) the applicant is included in the assurance of support given in relation to the person who satisfies the primary criteria, and that assurance has been accepted by the Secretary of Social Services; or

(b) an assurance of support in relation to the applicant has been accepted by the Secretary of Social Services.

838.324

If the applicant has not turned 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.

838.325

The sponsorship mentioned in clause 838.312 has been approved by the Minister and is still in force.

838.4—Circumstances applicable to grant

838.411

The applicant must be in Australia, but not in immigration clearance, when the visa is granted.

Note: The second instalment of the visa application charge must be paid before the visa can be granted.

838.5—When visa is in effect

838.511

Permanent visa permitting the holder to travel to and enter Australia for a period of 5 years from the date of grant.

838.6—Conditions: Nil.

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Subclass 851—Resolution of Status

851.1—Interpretation

Note: There are no interpretation provisions specific to this Part.

851.2—Primary criteria

Note: The primary criteria have to be satisfied by all applicants for Subclass 851 visas.

851.21—[No criteria to be satisfied at time of application]

851.22—Criteria to be satisfied at time of decision

851.221A

(1) For an applicant who was taken to have made an application because the criteria in item 5 of the table in subregulation 2.07AQ(3) were satisfied, the criteria set out in clauses 851.221B and 851.221C are satisfied.

(2) For any other applicant, the criteria set out in clauses 851.221 to 851.229 are satisfied.

851.221B

The offer of a permanent stay made by the Australian Government to the applicant has not been withdrawn by the Australian Government.

851.221C

The applicant satisfies public interest criterion 4002.

851.221

(1) Unless subclause (2) of this clause applies to the applicant, the applicant has undergone a medical examination carried out by any of the following (a relevant medical practitioner):
  (a) a Medical Officer of the Commonwealth;
  (b) a medical practitioner approved by the Minister for the purposes of this paragraph;
  (c) a medical practitioner employed by an organisation approved by the Minister for the purposes of this paragraph.

(2) This subclause applies to an applicant if the Minister is satisfied that it would be unreasonable to require the applicant to undergo the medical examination mentioned in subclause (1).

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851.222

(1) The applicant:

(a) has undergone a chest x-ray examination conducted by a medical practitioner who is qualified as a radiologist in Australia; or

(aa) is a person to whom subclause (2) applies; or

(b) is under 11 years of age and is not a person in respect of whom a relevant medical practitioner has requested such an examination; or

(c) is a person:

(i) who is confirmed by a relevant medical practitioner to be pregnant; and

(ii) who has been examined for tuberculosis by a chest clinic officer employed by a health authority of a State or Territory; and

(iii) who has signed an undertaking to place herself under the professional supervision of a health authority in a State or Territory and to undergo any necessary treatment; and

(iv) who the Minister is satisfied should not be required to undergo a chest x-ray examination at this time.

(2) This subclause applies to a person if the Minister is satisfied that it would be unreasonable to require the person to undergo the chest x-ray examination mentioned in paragraph (1)(a).

851.223

A relevant medical practitioner:

(a) has considered:

(i) the results of any tests carried out for the purposes of the medical examination required under clause 851.221; and

(ii) the radiological report (if any) required under clause 851.222 in respect of the applicant; and

(b) if he or she is not a Medical Officer of the Commonwealth and considers that the applicant has a disease or condition that is, or may result in the applicant being, a threat to public health in Australia or a danger to the Australian community, has referred any relevant results and reports to a Medical Officer of the Commonwealth.

851.224

If a Medical Officer of the Commonwealth considers that the applicant has a disease or condition that is, or may result in the applicant being, a threat to public health in Australia or a danger to the Australian community, arrangements have been made, on the advice of the Medical Officer of the Commonwealth, to place the applicant under the professional supervision of a health authority in a State or Territory to undergo any necessary treatment.

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Clause 851.225

851.225

The applicant:

(a) satisfies public interest criteria 4001, 4002 and 4003A; and

(b) if the applicant had turned 18 at the time of application—satisfies public interest criterion 4019.

851.226

If the applicant was taken to have made an application because the criteria in item 4 of the table in subregulation 2.07AQ(3) were satisfied, the applicant and the other person mentioned in that item are members of the family unit.

851.227

If the criteria in item 3 of the table in paragraph 1127AA(3)(c) of Schedule 1 were satisfied, the applicant and the other person mentioned in that item are members of the same family unit.

851.228

(1) This clause applies in relation to the following applications:

(a) an application made on the basis of meeting the requirements of item 4, 4A or 5 of the table in subitem 1127AA(3) of Schedule 1;

(b) an application that is taken to be a valid application for a Resolution of Status (Class CD) visa under regulation 2.08G.

(2) If, in considering the application, the Minister invited the applicant under section 56 of the Act to give information for the purposes of establishing or confirming the applicant's identity, the applicant has given that information, or has caused that information to be given, in accordance with the invitation.

(3) Subclause (2) does not apply if:

(a) the Minister is satisfied that:

(i) the applicant has a reasonable explanation for refusing or failing to give the information in accordance with the invitation; and

(ii) the applicant has taken reasonable steps to give the information, or to cause the information to be given, in accordance with the invitation; or

(b) the application is an application mentioned in paragraph (1)(b) and the invitation under section 56 of the Act was given before regulation 2.08G started to apply in relation to the application.

(4) There is no evidence before the Minister that the applicant has given, or caused to be given, to the Minister for the purposes of the application:

(a) a bogus document in relation to the applicant's identity; or

(b) information that, at the time it was given, was false or misleading in a material particular in relation to the applicant's identity.

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Note: For the definition of ***bogus document***, see subsection 5(1) of the Act.

(5) Subclause (4) applies whether or not the Minister becomes aware of a document or information of a kind referred to in that subclause because of information given by the applicant.

(6) Subclause (4) does not apply if the Minister is satisfied that the applicant has a reasonable explanation for giving a document or information of a kind referred to in that subclause.

851.229

(1) This clause applies if:
  (a) the applicant satisfies the criterion in subclause 851.228(2) or is not required to satisfy that criterion because of paragraph 851.228(3)(a); and
  (b) the Minister is satisfied that there are substantial identity-related concerns in relation to a relevant matter.

(2) A ***relevant matter*** is any of the following:
  (a) if a protection finding (within the meaning of section 197C of the Act) was previously made for the applicant—that finding;
  (b) if the applicant was previously granted a Subclass 785 (Temporary Protection) visa or a Subclass 790 (Safe Haven Enterprise) visa on the basis that the applicant satisfied the criterion mentioned in paragraph 36(2)(b) or 36(2)(c) of the Act—that grant;
  (c) if the applicant is taken to have made a valid application for a Resolution of Status (Class CD) visa under regulation 2.08G and the applicant is an applicant described in column 1 of item 3A of the table in subregulation 2.08G(1)—the record made by the Minister in relation to the applicant, as mentioned in column 2 of that item;
  (d) if the applicant is taken to have made a valid application for a Resolution of Status (Class CD) visa under regulation 2.08G and the applicant is an applicant described in column 1 of item 5 of the table in subregulation 2.08G(1)—the record made by the Minister in relation to the applicant, as mentioned in column 2 of that item.

(3) One of the following applies in relation to the applicant:
  (a) if the applicant had made a valid application for a protection visa at the same time as the applicant made the application for the Subclass 851 (Resolution of Status) visa, the applicant would have satisfied the criteria for the grant of the protection visa;
  (b) there is a compelling or compassionate reason to grant the visa to the applicant;
  (c) the applicant is a member of the same family unit as a person who holds a Subclass 851 (Resolution of Status) visa.

851.3—Secondary criteria

Note: There are no secondary criteria for the grant of a Subclass 851 visa.

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Clause 851.411

851.4—Circumstances applicable to grant

851.411

The applicant must be in Australia.

851.5—When visa is in effect

851.511

Permanent visa permitting the holder to travel to and enter Australia for a period of 5 years from the date of grant.

851.6—Conditions: Nil.

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Subclass 852—Referred Stay (Permanent)

852.1—Interpretation

Note 1: Regulation 1.03 provides that ***member of the immediate family*** has the meaning set out in regulation 1.12AA.

Note 2: There are no interpretation provisions specific to this Part.

852.2—Primary criteria

Note: The primary criteria must be satisfied by at least one member of an immediate family. The other members of the immediate family who are applicants for a visa of this subclass need satisfy only the secondary criteria.

852.21—Criteria to be satisfied at time of application

852.211

The applicant is taken to have made a valid application for a Referred Stay (Permanent) (Class DH) visa under subregulation 2.07AK(2) in accordance with subregulation 2.07AK(3).

852.22—Criteria to be satisfied at time of decision

852.222

The applicant:

(a) satisfies public interest criteria 4001, 4002, 4003 and 4007; and

(b) if the applicant had turned 18 at the time of application—satisfies public interest criterion 4019.

852.223

The requirements of paragraphs 2.07AK(3)(d), (e) and (f) continue to be met in relation to the applicant.

852.224

Each member of the immediate family of the applicant who is an applicant for a Subclass 852 (Referred Stay (Permanent)) visa is a person who:

(a) satisfies public interest criteria 4001, 4002, 4003 and 4007; and

(b) if the person had turned 18 at the time of application—satisfies public interest criterion 4019.

852.3—Secondary criteria

Note: These criteria must be satisfied by applicants who are members of the immediate family of a person who satisfies the primary criteria.

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Clause 852.311

852.31—Criteria to be satisfied at time of application

852.311

The applicant is a member of the immediate family of a person who is taken, under subregulation 2.07AK(2), to have made a valid application for a Referred Stay (Permanent) (Class DH) visa in accordance with subregulation 2.07AK(3).

Note: See regulation 2.07AK for how an application for a Referred Stay (Permanent) (Class DH) visa is taken to have been validly made.

852.312

The Minister has not decided to grant or refuse to grant a Subclass 852 (Referred Stay (Permanent)) visa to the person mentioned in clause 852.311.

852.32—Criteria to be satisfied at time of decision

852.321

The applicant:

(a) satisfies public interest criteria 4001, 4002, 4003 and 4007; and
(b) if the applicant had turned 18 at the time of application—satisfies public interest criterion 4019.

852.322

The applicant continues to be a member of the immediate family of the person mentioned in clause 852.311.

852.323

The person mentioned in clause 852.311 has been granted a Subclass 852 (Referred Stay (Permanent)) visa.

852.324

If the applicant has not turned 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.

852.4—Circumstances applicable to grant

852.411

The applicant may be in or outside Australia when the visa is granted.

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852.5—When visa is in effect

852.511

Permanent visa permitting the holder to travel to and enter Australia for a period of 5 years from the date of grant.

852.6—Conditions

852.611

If the applicant is outside Australia when the visa is granted, first entry must be made before a date specified for this clause by the Minister.

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Subclass 858—National Innovation

858.1—Interpretation

Note: There are no interpretation provisions specific to this Part.

858.2—Primary criteria

Note: The primary criteria must be satisfied by at least one member of a family unit. The other members of the family unit who are applicants for a visa of this subclass need satisfy only the secondary criteria.

858.21—Criteria to be satisfied at time of application

858.211

The applicant was invited, in writing, by the Minister to apply for the visa.

858.212

(1) The applicant meets the requirements of:
  (a) both subclauses (2) and (3); or
  (b) subclause (4).

(2) The applicant:
  (a) has an internationally recognised record of exceptional and outstanding achievement in one of the following areas:
    (i) a profession;
    (ii) a sport;
    (iii) the arts;
    (iv) academia and research; and
  (b) is still prominent in the area; and
  (c) would be an asset to the Australian community; and
  (d) would have no difficulty in obtaining employment, or in becoming established independently, in Australia in the area; and
  (e) produces a completed approved form 1000; and

    Note: An approved form 1000 requires the applicant's record of achievement in an area (as mentioned in paragraph (a)) to be attested to by:
    (a) an Australian citizen; or
    (b) an Australian permanent resident; or
    (c) an eligible New Zealand citizen; or
    (d) an Australian organisation;
    who has a national reputation in relation to the area.

  (f) if the applicant has not turned 18, or is at least 55 years old, at the time of application—would be of exceptional benefit to the Australian community.

(3) The area in which the applicant has an internationally recognised record of exceptional and outstanding achievement and the applicant's achievements in

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that area is the area and those achievements stated in the invitation to apply for the visa.

(4) The applicant meets the requirements of this subclause if, in the opinion of the Minister, acting on the advice of:

(a) the Minister responsible for an intelligence or security agency within the meaning of the *Australian Security Intelligence Organisation Act 1979*; or

(b) the Director-General of Security;

the applicant has provided specialised assistance to the Australian Government in matters of security.

858.213

(1) If, at the time of application:

(a) the applicant is the holder of a Subclass 491 (Skilled Work Regional (Provisional)) visa or a Subclass 494 (Skilled Employer Sponsored Regional (Provisional)) visa; or

(b) the last substantive visa held by the applicant was a Subclass 491 (Skilled Work Regional (Provisional)) visa or a Subclass 494 (Skilled Employer Sponsored Regional (Provisional)) visa;

the applicant must have held that visa for at least 3 years at the time of application unless circumstances specified in an instrument under subclause (2) exist.

(2) The Minister may, by legislative instrument, specify circumstances for the purposes of subclause (1).

858.22—Criteria to be satisfied at time of decision

858.221

The applicant:

(a) satisfies public interest criteria 4001, 4002, 4003, 4003B, 4004, 4007, 4009, 4010 and 4021; and

(b) if the applicant had turned 18 at the time of application—satisfies public interest criterion 4019.

858.223

(1) Each person who is covered by subclause (2), (3) or (4) satisfies public interest criteria 4001, 4002, 4003, 4003B, 4004, 4007, 4009 and 4010.

(2) This subclause covers a person:

(a) who is a member of the family unit of the applicant (the ***primary applicant***); and

(b) who is also an applicant for a Subclass 858 visa.

(3) This subclause covers a person (the ***relevant person***) if:

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(a) the relevant person was, at the time of the primary applicant's application, a member of the family unit of the primary applicant; and
(b) the relevant person is an applicant for a Subclass 858 visa; and
(c) the Minister is satisfied that:
(i) the relevant person; or
(ii) a member of the family unit of the relevant person who has made a combined application with the relevant person or with the primary applicant; or
(iii) a dependent child of the relevant person or of the primary applicant;

has experienced family violence committed by the primary applicant.

Note: For special provisions relating to family violence, see Division 1.5.

(4) This subclause covers a person if:
(a) the person is an applicant for a Subclass 858 visa; and
(b) the person is a member of the family unit of a person covered by subclause (3).

(5) Each person:
(a) who either:
(i) is a member of the family unit of the primary applicant and also an applicant for a Subclass 858 visa; or
(ii) is covered by subclause (3) or (4); and
(b) who had turned 18 at the time of the primary applicant's application;

satisfies public interest criterion 4019.

(6) Each person:
(a) who is a member of the family unit of the primary applicant; and
(b) who is not an applicant for a Subclass 858 visa;

satisfies public interest criteria 4001, 4002, 4003, 4003B and 4004, and satisfies public interest criterion 4007 unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.

(7) Each person:
(a) who was, at the time of the primary applicant's application, a member of the family unit of the primary applicant but is no longer a member of the family unit of the primary applicant; and
(b) who is a member of the family unit of a person who is covered by subclause (3); and
(c) who is not an applicant for a Subclass 858 visa;

satisfies public interest criteria 4001, 4002, 4003, 4003B and 4004, and satisfies public interest criterion 4007 unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.

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858.224

If a person:

(a) either:

(i) is a member of the family unit of the primary applicant and also an applicant for a Subclass 858 visa; or

(ii) is covered by subclause 858.223(3) or (4); and

(b) has not turned 18;

public interest criteria 4015 and 4016 are satisfied in relation to the person.

858.225

If the applicant has not turned 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.

858.227

Unless the applicant meets the requirements of subclause 858.212(4):

(a) the applicant satisfies public interest criteria 4020; and

(b) each person covered by subclause 858.223(2), (3) or (4) satisfies public interest criterion 4020.

858.228

(1) The applicant satisfies special return criteria 5001, 5002 and 5010.

(2) Each person covered by subclause 858.223(2), (3) or (4) satisfies special return criteria 5001, 5002 and 5010.

858.3—Secondary criteria

Note 1: These criteria are for applicants seeking to satisfy the secondary criteria.

Note 2: Whether a person is a member of the family unit of an applicant for a National Innovation (Class BX) visa who has not turned 18 is worked out under subregulation 1.12(2) or (7). Only subregulation 1.12(2) is relevant if the applicant has turned 18.

858.31—Criteria to be satisfied at time of application

858.311

The applicant is a member of the family unit of a person who:

(a) has applied for a National Innovation (Class BX) visa; and

(b) on the basis of the information provided in his or her application, appears to satisfy the criteria in Subdivision 858.21;

and the Minister has not decided to grant or refuse to grant the visa to that other person.

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Clause 858.321

858.32—Criteria to be satisfied at time of decision

858.321

(1) The applicant meets the requirements of subclause (2), (3), (3A) or (4).

(2) The applicant meets the requirement of this subclause if the applicant is a member of the family unit of a person (the ***primary applicant***) who holds a Subclass 858 visa granted on the basis of satisfying the primary criteria for the grant of the visa.

(3) The applicant meets the requirements of this subclause if:
  (a) at the time of the application, the applicant was the spouse or de facto partner of a person (the ***primary applicant***) seeking to satisfy the primary criteria for the grant of a Subclass 858 visa, and the primary applicant has since been granted that visa; and
  (b) the relationship between the primary applicant and the applicant has ceased; and
  (c) one or more of the following:
    (i) the applicant;
    (ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
    (iii) a dependent child of the applicant or of the primary applicant;

  has experienced family violence committed by the primary applicant; and
  (d) the applicant:
    (i) was in Australia at the time the applicant's visa application was made; or
    (ii) entered Australia after the applicant's visa application was made.

(3A) The applicant meets the requirements of this subclause if:
  (a) at the time of the application, the applicant was the spouse or de facto partner of a person (the ***primary applicant***) seeking to satisfy the primary criteria for the grant of a Subclass 858 visa; and
  (b) the relationship between the primary applicant and the applicant has ceased; and
  (c) one or more of the following:
    (i) the applicant;
    (ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
    (iii) a dependent child of the applicant or of the primary applicant;

  has experienced family violence committed by the primary applicant; and
  (d) the applicant:
    (i) was in Australia at the time the applicant's visa application was made; or
    (ii) entered Australia after the applicant's visa application was made; and

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(e) the Minister has decided to refuse to grant the primary applicant the visa for reasons including that the primary applicant had engaged in conduct involving family violence (whether or not the family violence was against a person mentioned in paragraph (c)).

(4) The applicant meets the requirements of this subclause if:

(a) the applicant is a member of the family unit of a person (the ***secondary applicant***) who meets the requirements of subclause (3) or (3A); and

(b) the applicant has made a combined application with either the secondary applicant or the primary applicant mentioned in subclause (3) or (3A) (whichever applies to the secondary applicant); and

(c) a Subclass 858 visa has since been granted to the secondary applicant.

Note: For special provisions relating to family violence, *see* Division 1.5.

858.322

The applicant:

(a) satisfies public interest criteria 4001, 4002, 4003, 4003B, 4004, 4007, 4009, 4010 and 4021; and

(b) if the applicant had turned 18 at the time of application—satisfies public interest criterion 4019.

858.324

If the applicant has not turned 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.

858.326

Unless the primary applicant mentioned in clause 858.321 in relation to the applicant met the requirements of subclause 858.212(4), the applicant satisfies public interest criteria 4020.

858.327

The applicant satisfies special return criteria 5001, 5002 and 5010.

858.328

(1) This clause applies if the applicant (the ***secondary applicant***) meets the requirements of subclause 858.321(3A).

(2) Unless the secondary applicant was, at the time of application, the spouse or de facto partner of a primary applicant who met the requirements of subclause 858.212(4), each member of the family unit of the secondary applicant satisfies public interest criterion 4020.

(3) Each member of the family unit of the secondary applicant who is an applicant for a Subclass 858 visa satisfies:

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(a) public interest criteria 4001, 4002, 4003, 4003B, 4004, 4007, 4009 and 4010; and
(b) special return criteria 5001, 5002 and 5010.

(4) Each member of the family unit of the secondary applicant who is an applicant for a Subclass 858 visa and who has turned 18 at the time of application satisfies public interest criterion 4019.

(5) Public interest criteria 4015 and 4016 are satisfied in relation to each member of the family unit of the secondary applicant who is an applicant for a Subclass 858 visa and who has not turned 18 at the time of decision.

(6) Each member of the family unit of the secondary applicant who is not an applicant for a Subclass 858 visa:
(a) satisfies public interest criteria 4001, 4002, 4003, 4003B and 4004; and
(b) satisfies public interest criterion 4007 unless the Minister is satisfied that it would be unreasonable to require the member to undergo assessment in relation to that criterion.

858.4—Circumstances applicable to grant

858.411

The applicant may be in or outside Australia when the visa is granted, but not in immigration clearance.

Note: The second instalment of the visa application charge must be paid before the visa can be granted.

858.5—When visa is in effect

858.511

Permanent visa permitting the holder to travel to and enter Australia for a period of 5 years from the date of grant.

858.6—Conditions

858.611

If the applicant is outside Australia when the visa is granted:
(a) first entry must be made before the date specified by the Minister; and
(b) if the applicant satisfies the secondary criteria for the grant of the visa, condition 8515 may be imposed.

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Subclass 864—Contributory Aged Parent

864.1—Interpretation

864.111

In this Part, a reference to an applicant who is the holder of a Subclass 884 (Contributory Aged Parent (Temporary)) visa means a person:

(a) who, at the time of application, holds a Subclass 884 (Contributory Aged Parent (Temporary)) visa; or

(b) who has held a Subclass 884 (Contributory Aged Parent (Temporary)) visa at any time in the 28 days immediately before making the application; or

(c) in relation to whom the Minister is satisfied that compassionate and compelling circumstances exist for the person to be considered to have been the holder of a Subclass 884 (Contributory Aged Parent (Temporary)) visa at the time of the application.

Note: ***Australian permanent resident***, ***aged parent***, ***eligible New Zealand citizen***, ***close relative***, ***guardian***, ***outstanding***, ***parent visa*** and ***settled*** are defined in regulation 1.03, ***balance of family test*** is defined in regulation 1.05, ***parent*** is defined in subsection 5(1) of the Act (also see regulation 1.14A), ***de facto partner*** is defined in section 5CB of the Act (also see regulation 1.09A), and ***spouse*** is defined in section 5F of the Act (also see regulation 1.15A).

864.2—Primary criteria

Note: The primary criteria must be satisfied by at least 1 member of a family unit. The other members of the family unit who are applicants for a visa of this subclass need satisfy only the secondary criteria.

864.21—Criteria to be satisfied at time of application

864.211

(1) The applicant is:

(a) the holder of a substantive visa (other than a Subclass 771 (Transit) visa); or

(b) a person who:

(i) is not the holder of a substantive visa; and

(ii) immediately before ceasing to hold a substantive visa, was not the holder of a Subclass 771 (Transit) visa; and

(iii) satisfies criterion 3002.

(2) Subclause (1) does not apply to an applicant if the applicant withdrew an application for a Subclass 804 (Aged Parent) visa at the time of making the application for the Subclass 864 (Contributory Aged Parent) visa.

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Clause 864.212

864.212

The applicant is:

(a) the aged parent of a person (the ***child***) who is:
  (i) a settled Australian citizen; or
  (ii) a settled Australian permanent resident; or
  (iii) a settled eligible New Zealand citizen; or

(ab) the holder of a substituted Subclass 600 visa, and is the parent of a person (the ***child***) who is:
  (i) a settled Australian citizen; or
  (ii) a settled Australian permanent resident; or
  (iii) a settled eligible New Zealand citizen; or

(b) a person:
  (i) who is the holder of a Subclass 884 (Contributory Aged Parent (Temporary)) visa; and
  (ii) who is no longer the parent of the child because the child has died; and
  (iii) who is not the parent of another child; or

(c) a person:
  (i) who is the holder of a substituted Subclass 600 visa; and
  (ii) who was, before he or she was granted the substituted Subclass 600 visa, the holder of a Subclass 884 (Contributory) Aged Parent (Temporary)) visa that ceased to be in effect; and
  (iii) who is no longer the parent of the child because the child has died; and
  (iv) who is not the parent of another child; or

(d) a person:
  (i) who is the holder of a Subclass 884 (Contributory Aged Parent (Temporary)) visa; and
  (ii) who, immediately before he or she was granted the Subclass 884 (Contributory Aged Parent (Temporary)) visa, was the holder of a substituted Subclass 600 visa.

864.213

(1) The applicant is:
  (a) sponsored in accordance with subclause (2) or (3); or
  (b) taken, under subclause (4), to be sponsored in accordance with this clause; or
  (c) satisfies the criterion in paragraph 864.212(c).

(2) If the child has turned 18, the applicant is sponsored by:
  (a) the child; or
  (b) the child's cohabiting spouse or de facto partner, if the spouse or de facto partner:

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(i) has turned 18; and
(ii) is:
(A) a settled Australian citizen; or
(B) a settled Australian permanent resident; or
(C) a settled eligible New Zealand citizen.

(3) If the child has not turned 18, the applicant is sponsored by:
(a) the child's cohabiting spouse, if the spouse:
(i) has turned 18; and
(ii) is:
(A) a settled Australian citizen; or
(B) a settled Australian permanent resident; or
(C) a settled eligible New Zealand citizen; or
(b) a person who:
(i) is a relative or guardian of the child; and
(ii) has turned 18; and
(iii) is:
(A) a settled Australian citizen; or
(B) a settled Australian permanent resident; or
(C) a settled eligible New Zealand citizen; or
(c) if the child has a cohabiting spouse but the spouse has not turned 18—a person who:
(i) is a relative or guardian of the child's spouse; and
(ii) has turned 18; and
(iii) is:
(A) a settled Australian citizen; or
(B) a settled Australian permanent resident; or
(C) a settled eligible New Zealand citizen; or
(d) a community organisation.

(4) The applicant is taken to be sponsored in accordance with this clause if:
(a) the applicant:
(i) is the holder of a Subclass 884 (Contributory Aged Parent (Temporary)) visa at the time of application; or
(ii) both:
(A) was the holder of a Subclass 884 (Contributory Aged Parent (Temporary)) visa; and
(B) is the holder of a substituted Subclass 600 visa at the time of application; and
(b) the person who sponsored the applicant for the Subclass 884 (Contributory Aged Parent (Temporary)) visa dies before the Subclass 884 (Contributory Aged Parent (Temporary)) visa ceases to be in effect; and
(c) there is no other sponsor available who could meet the requirements set out in subclause (2) or (3).

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Clause 864.214

864.214

For an applicant who, at the time of application, is neither:

(a) the holder of a Subclass 884 (Contributory Aged Parent (Temporary)) visa; nor

(b) the holder of a substituted Subclass 600 visa;

the applicant satisfies the balance of family test.

864.22—Criteria to be satisfied at time of decision

864.221

(1) If the applicant met the requirement in paragraph 864.212(ab) at the time of application, the applicant continues to be the parent of the child mentioned in that paragraph.

(2) If the applicant met the requirement in paragraph 864.212(c) at the time of application, the applicant is not the parent of a child other than the child mentioned in subparagraph 864.212(c)(iii).

(3) If the applicant met another requirement in clause 864.212 at the time of application, the applicant continues to meet the requirement.

864.222

For an applicant who satisfies the criterion in paragraph 864.213(1)(a) or (b), if a sponsorship of the kind mentioned in subclause 864.213(2) or (3) was in force in relation to the applicant at the time of application, a sponsorship of that kind, approved by the Minister, is in force in relation to:

(a) the sponsor at the time of application; or

(b) another sponsor who meets the requirements set out in subclause 864.213(2) or (3);

whether or not the sponsor was the sponsor at the time of application.

Note: The applicant may seek the Minister's approval for a change of sponsor as long as the new sponsor meets the description in subclause 864.213(2) or (3).

864.222A

If clause 864.222 does not apply:

(a) the applicant was the holder of a Subclass 884 (Contributory Aged Parent (Temporary)) visa at the time of application; and

(b) a sponsor of the applicant who usually resides in Australia dies before a decision is made to grant, or to refuse to grant, the Subclass 864 (Contributory Aged Parent) visa; and

(c) there is no other sponsor available who meets the requirements set out in subclause 864.213(2) or (3).

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864.223

If the applicant was not the holder of a Subclass 884 (Contributory Aged Parent (Temporary)) visa at the time of application, the applicant satisfies the criteria mentioned for the applicant in the item in the table that relates to the applicant.

Item	If the applicant was …	the criteria to be satisfied by the applicant are ...
1	not the holder of a substituted Subclass 600 visa at the time of application	public interest criteria 4001, 4002, 4003, 4004, 4005, 4009, 4010, 4019, 4020 and 4021
2	the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003, 4009, 4010, 4019, 4020 and 4021; and (b) 4007 or, if the applicant has previously held a Subclass 884 visa, such health checks as the Minister considers appropriate

864.224

If the applicant was the holder of a Subclass 884 (Contributory Aged Parent (Temporary)) visa at the time of application, the applicant:

(a) satisfies public interest criteria 4001, 4002, 4003, 4020 and 4021; and

(aa) if the applicant had turned 18 at the time of application—satisfies public interest criterion 4019; and

(b) has undergone any health checks that the Minister considers appropriate.

864.224A

(1) Each person who is covered by subclause (2), (3) or (4) must satisfy public interest criteria 4020.

(2) This subclause covers a person:

(a) who is a member of the family unit of the applicant (the ***primary applicant***); and

(b) who is also an applicant for a Subclass 864 visa.

(3) This subclause covers a person (the ***relevant person***) if:

(a) the relevant person was, at the time of the primary applicant's application, a member of the family unit of the primary applicant; and

(b) the relevant person is an applicant for a Subclass 864 visa; and

(c) the Minister is satisfied that one or more of the following has experienced family violence committed by the primary applicant:

(i) the relevant person;

(ii) a member of the family unit of the relevant person who has made a combined application with the relevant person or with the primary applicant;

(iii) a dependent child of the relevant person or of the primary applicant.

Note: For special provisions relating to family violence, see Division 1.5.

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Clause 864.225

(4) This subclause covers a person if:
  (a) the person was, at the time of the primary applicant's application, a member of the family unit of the primary applicant but is no longer a member of the family unit of the primary applicant; and
  (b) the person is an applicant for a Subclass 864 visa; and
  (c) the person is a member of the family unit of a person covered by subclause (3).

864.225

If the applicant has previously been in Australia, the applicant satisfies special return criteria 5001, 5002 and 5010.

864.226

The Minister is satisfied that an assurance of support in relation to the applicant has been accepted by the Secretary of Social Services.

864.227

(1) If the applicant (the ***primary applicant***) was not the holder of a Subclass 884 (Contributory Aged Parent (Temporary)) visa at the time of application, each person covered by subclause (2), (3) or (4):
  (a) must satisfy the public interest criteria mentioned in the item in the table that relates to the primary applicant; and
  (b) if the person has previously been in Australia—must satisfy the special return criteria mentioned in the item in the table that relates to the primary applicant.

Item	If the primary applicant …	the public interest criteria to be satisfied by the person covered by subclause (2), (3) or (4) are …	and if the person has previously been in Australia, the special return criteria are …
1	was not the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003, 4004, 4005, 4009 and 4010; and (b) if the person had turned 18 at the time of application—4019	5001, 5002 and 5010
2	was the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003, 4009 and 4010; and (b) either: (i) 4007; or (ii) if the person has previously held a Subclass 884 visa, such health checks as the Minister considers appropriate; and (c) if the person had turned 18 at the time of application—4019	5001, 5002 and 5010

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(2) This subclause covers a person:
  (a) who is a member of the family unit of the primary applicant; and
  (b) who is also an applicant for a Subclass 864 visa.

(3) This subclause covers a person (the ***relevant person***) if:
  (a) the relevant person was, at the time of the primary applicant's application, a member of the family unit of the primary applicant; and
  (b) the relevant person is an applicant for a Subclass 864 visa; and
  (c) the Minister is satisfied that one or more of the following has experienced family violence committed by the primary applicant:
    (i) the relevant person;
    (ii) a member of the family unit of the relevant person who has made a combined application with the relevant person or with the primary applicant;
    (iii) a dependent child of the relevant person or of the primary applicant.

Note: For special provisions relating to family violence, see Division 1.5.

(4) This subclause covers a person if:
  (a) the person was, at the time of the primary applicant's application, a member of the family unit of the primary applicant but is no longer a member of the family unit of the primary applicant; and
  (b) the person is an applicant for a Subclass 864 visa; and
  (c) the person is a member of the family unit of a person covered by subclause (3).

864.228

(1) If the applicant (the ***primary applicant***) was not the holder of a Subclass 884 (Contributory Aged Parent (Temporary)) visa at the time of application, each person covered by subclause (2) or (3) must satisfy the public interest criteria mentioned in the item in the table that relates to the primary applicant.

Item	If the primary applicant was …	the public interest criteria to be satisfied by the person covered by subclause (2) or (3) are ...
1	not the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003 and 4004; and (b) 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment for that criterion
2	the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002 and 4003; and (b) 4007, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment for that criterion

(2) This subclause covers a person:
  (a) who is a member of the family unit of the applicant; and
  (b) who is not an applicant for a Subclass 864 visa.

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(3) This subclause covers a person:
  (a) who was, at the time of application, a member of the family unit of the primary applicant but is no longer a member of the family unit of the primary applicant; and
  (b) who is a member of the family unit of a person covered by subclause 864.227(3) or (4); and
  (c) who is not an applicant for a Subclass 864 visa.

864.229

If a person (the additional applicant):
  (a) is a person covered by subclause 864.227(2), (3) or (4); and
  (b) has not turned 18; and
  (c) made a combined application with the applicant;

public interest criteria 4015 and 4016 are satisfied in relation to the additional applicant.

864.230

If the applicant has previously made a valid application for another parent visa, that application is not outstanding.

864.3—Secondary criteria

864.31—Criteria to be satisfied at time of application

864.311

(1) One of the following applies:
  (a) the applicant is a member of the family unit of, and made a combined application with, a person (the ***primary applicant)*** who satisfies the primary criteria in Subdivision 864.21;
  (b) both of the following apply:
    (i) the applicant is a member of the family unit of a person (the ***other applicant***) who:
      (A) has applied for a Contributory Aged Parent (Residence) (Class DG) visa; and
      (B) on the basis of the information provided in their application, appears to satisfy the primary criteria in Subdivision 864.21;
    (ii) the Minister has not decided to grant or refuse to grant the visa to the other applicant;
  (c) the applicant is a member of the family unit of a person covered by subclause (2).

(2) This subclause covers a person (the ***relevant person***) if:
  (a) the relevant person was, at the time of the relevant person's application for the visa, the spouse or de facto partner of the primary applicant; and

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(b) the relevant person made a combined application with the primary applicant; and
(c) the relationship between the relevant person and the primary applicant has ceased; and
(d) one or more of the following has experienced family violence committed by the primary applicant:
(i) the relevant person;
(ii) a member of the family unit of the relevant person or the primary applicant;
(iii) a dependent child of the relevant person or primary applicant.

Note: For special provisions relating to family violence, see Division 1.5.

864.312

(1) One of the following applies:
(a) the sponsorship mentioned in subclause 864.213(2) or (3) of the person who satisfies the primary criteria includes sponsorship of the applicant;
(b) the person who satisfies the primary criteria, and the applicant, meet the requirements of subclause 864.213(4);
(c) the applicant is a contributory parent newborn child who was the holder of a Subclass 884 (Contributory Aged Parent (Temporary)) visa at the time of the application and:
(i) the contributory parent newborn child's parent was granted a Subclass 864 (Contributory Aged Parent) visa on the basis of meeting paragraph 864.222(b); or
(ii) the person who sponsored the contributory parent newborn child's parent for the Subclass 864 (Contributory Aged Parent) visa died after that visa was granted.

(2) Subclause (1) does not apply if paragraph 864.311(1)(c) applies to the applicant.

864.32—Criteria to be satisfied at time of decision

864.321

(1) The applicant meets the requirements of subclause (2), (3), (4) or (5).

(2) The applicant meets the requirements of this subclause if the applicant:
(a) is a member of the family unit of a person (the ***primary applicant***) who holds a Subclass 864 visa granted on the basis of satisfying the primary criteria for the grant of the visa; and
(b) made a combined application with the primary applicant.

(3) The applicant meets the requirements of this subclause if:
(a) at the time of the application, the applicant was the spouse or de facto partner of a person (the ***primary applicant***) seeking to satisfy the primary criteria for the grant of a Subclass 864 visa, and the primary applicant has since been granted that visa; and

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(b) the relationship between the primary applicant and the applicant has ceased; and

(c) one or more of the following has experienced family violence committed by the primary applicant:

(i) the applicant;

(ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;

(iii) a dependent child of the applicant or of the primary applicant; and

(d) the applicant:

(i) was in Australia at the time the applicant's visa application was made; or

(ii) entered Australia after the applicant's visa application was made.

(4) The applicant meets the requirements of this subclause if:

(a) at the time of the application, the applicant was the spouse or de facto partner of a person (the ***primary applicant***) seeking to satisfy the primary criteria for the grant of a Subclass 864 visa; and

(b) the relationship between the primary applicant and the applicant has ceased; and

(c) one or more of the following has experienced family violence committed by the primary applicant:

(i) the applicant;

(ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;

(iii) a dependent child of the applicant or of the primary applicant; and

(d) the Minister has decided to refuse to grant the primary applicant the visa for reasons including that the primary applicant had engaged in conduct involving family violence (whether or not the family violence was against a person mentioned in paragraph (c)).

(5) The applicant meets the requirements of this subclause if:

(a) the applicant is a member of the family unit of a person (the ***secondary applicant***) who meets the requirements of subclause (3) or (4); and

(b) the applicant has made a combined application with the secondary applicant or the primary applicant mentioned in subclause (3) or (4) (whichever applies to the secondary applicant); and

(c) a Subclass 864 visa has since been granted to the secondary applicant.

Note: For special provisions relating to family violence, see Division 1.5.

864.322

(1) One of the following applies:

(a) the sponsorship, mentioned in paragraph 864.222(a), that includes sponsorship of the applicant:

(i) has been approved by the Minister in relation to the applicant; and

(ii) is still in force in relation to the applicant;

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(aa) the applicant is sponsored in accordance with subclause (2) and the sponsorship has been approved by the Minister and is in force;
(b) the person who satisfied the primary criteria at the time of decision met the requirements of paragraph 864.222(b) at the time of decision, and the applicant meets those requirements at the time of decision;
(c) the applicant is a contributory parent newborn child who meets the requirements of paragraph 864.312(1)(c).

(2) The applicant is sponsored:
(a) by a child of the primary applicant mentioned in subclause 864.321(2), (3) or (4), if the child:
(i) has turned 18; and
(ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; or
(b) by the child's cohabiting spouse or de facto partner, if the spouse or de facto partner:
(i) has turned 18; and
(ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; or
(c) if the child or child's cohabiting spouse or de facto partner has not turned 18—by a relative or guardian of the child or child's cohabiting spouse or de facto partner, if the relative or guardian:
(i) has turned 18; and
(ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; or
(d) if the child has not turned 18—by a community organisation.

864.323

The applicant:
(a) satisfies public interest criteria 4001, 4002, 4003, 4020 and 4021; and
(b) if the applicant had turned 18 at the time of application—satisfies public interest criterion 4019.

864.324

If the applicant was not the holder of a Subclass 884 (Contributory Aged Parent (Temporary)) visa at the time of application, the applicant satisfies the public interest criteria mentioned for the applicant in the item in the table that relates to the applicant.

Item	If the applicant is a person covered by subclause 864.321(2), (3), (4) or (5), and the person was …	the public interest criteria to be satisfied by the applicant are ...
1	not the holder of a substituted Subclass 600 visa at the time of application	4004, 4005, 4009 and 4010

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Clause 864.325

Item	If the applicant is a person covered by subclause 864.321(2), (3), (4) or (5), and the person was …	the public interest criteria to be satisfied by the applicant are ...
2	the holder of a substituted Subclass 600 visa at the time of application	(a) 4009 and 4010; and (b) 4007 or, if the applicant has previously held a Subclass 884 visa, such health checks as the Minister considers appropriate

864.325

If the applicant was the holder of a Subclass 884 (Contributory Aged Parent (Temporary)) visa at the time of application, the applicant has undergone any health checks that the Minister considers appropriate.

864.326

If the applicant has previously been in Australia, the applicant satisfies special return criteria 5001, 5002 and 5010.

864.327

The Minister is satisfied that:

(a) the applicant is included in the assurance of support given in relation to the person who satisfies the primary criteria, and that assurance has been accepted by the Secretary of Social Services; or

(b) an assurance of support in relation to the applicant has been accepted by the Secretary of Social Services.

864.328

If the applicant has not turned 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.

864.329

If the applicant has previously made a valid application for another parent visa, that application is not outstanding.

864.330

(1) This clause applies if the applicant (the ***secondary applicant***) meets the requirements of subclause 864.321(3) or (4).

(2) Each member of the family unit of the secondary applicant who is an applicant for a Subclass 864 visa:

(a) must satisfy the public interest criteria mentioned in the item in the table that relates to the secondary applicant; and

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(b) if the member of the family unit has previously been in Australia—must satisfy the special return criteria mentioned in the item in the table that relates to the secondary applicant.

Item	If the secondary applicant …	the public interest criteria to be satisfied by the member of the family unit of the secondary applicant are …	and if the member of the family unit of the secondary applicant has previously been in Australia, the special return criteria are …
1	was not the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003, 4004, 4005, 4009 and 4010; and (b) if the member of the family unit had turned 18 at the time of application—4019	5001, 5002 and 5010
2	was the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003, 4009 and 4010; and (b) either: (i) 4007; or (ii) if the member of the family unit has previously held a Subclass 884 visa—such health checks as the Minister considers appropriate; and (c) if the member of the family unit had turned 18 at the time of application—4019	5001, 5002 and 5010

(3) Public interest criteria 4015 and 4016 are satisfied in relation to each member of the family unit of the secondary applicant who is an applicant for a Subclass 864 visa and who has not turned 18 at the time of decision.

(4) Each member of the family unit of the secondary applicant who is not an applicant for a Subclass 864 visa must satisfy the public interest criteria mentioned in the item in the table that relates to the secondary applicant.

Item	If the secondary applicant …	the public interest criteria to be satisfied by the member of the family unit of the secondary applicant are …
1	was not the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003 and 4004; and (b) 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment for that criterion
2	was the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002 and 4003; and (b) 4007, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment for that criterion

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Clause 864.411

864.4—Circumstances applicable to grant

864.411

(1) Unless subclause (2) of this clause applies to the visa, the applicant must be in Australia, but not in immigration clearance, when the visa is granted.

(2) This subclause applies to a visa if:
  (a) the application for the visa was made before 24 March 2021; and
  (b) the applicant for the visa was outside Australia on 24 March 2021; and
  (c) the visa is granted after 23 March 2021; and
  (d) the visa is granted before the end of the concession period described in subregulation 1.15N(1); and
  (e) the applicant for the visa is not in immigration clearance.

Note: The second instalment of the visa application charge must be paid before the visa can be granted.

864.5—When visa is in effect

864.511

Permanent visa permitting the holder to travel to and enter Australia for 5 years from the date of grant.

864.6—Conditions: Nil.

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Subclass 866—Protection

866.1—Interpretation

Note 1: For ***member of the same family unit***, see subsection 5(1) of the Act.

Note 2: There are no interpretation provisions specific to this Part.

866.2—Primary criteria

Note: All applicants must satisfy the primary criteria.

866.21—Criteria to be satisfied at time of application

866.211

(1) Subclause (2) or (3) is satisfied.

(2) The applicant:
  (a) claims that a criterion mentioned in paragraph 36(2)(a) or (aa) of the Act is satisfied in relation to the applicant; and
  (b) makes specific claims as to why that criterion is satisfied.

Note: Paragraphs 36(2)(a) and (aa) of the Act set out criteria for the grant of protection visas to non-citizens in respect of whom Australia has protection obligations.

(3) The applicant claims to be a member of the same family unit as a person:
  (a) to whom subclause (2) applies; and
  (b) who is an applicant for a Subclass 866 (Protection) visa.

Note: See paragraphs 36(2)(b) and (c) of the Act.

866.22—Criteria to be satisfied at time of decision

866.221

(1) Subclause (2) or (3) is satisfied.

(2) The Minister is satisfied that a criterion mentioned in paragraph 36(2)(a) or (aa) of the Act is satisfied in relation to the applicant.

Note: Paragraphs 36(2)(a) and (aa) of the Act set out criteria for the grant of protection visas to non-citizens in respect of whom Australia has protection obligations.

(3) The Minister is satisfied that:
  (a) the applicant is a member of the same family unit as an applicant mentioned in subclause (2); and
  (b) the applicant mentioned in subclause (2) has been granted a Subclass 866 (Protection) visa.

Note: See paragraphs 36(2)(b) and (c) of the Act.

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Clause 866.223

866.223

The applicant has undergone a medical examination carried out by any of the following (a ***relevant medical practitioner***):

(a) a Medical Officer of the Commonwealth;
(b) a medical practitioner approved by the Minister for the purposes of this paragraph;
(c) a medical practitioner employed by an organisation approved by the Minister for the purposes of this paragraph.

866.224

The applicant:

(a) has undergone a chest x-ray examination conducted by a medical practitioner who is qualified as a radiologist in Australia; or
(b) is under 11 years of age and is not a person in respect of whom a relevant medical practitioner has requested such an examination; or
(c) is a person:
    (i) who is confirmed by a relevant medical practitioner to be pregnant; and
    (ii) who has been examined for tuberculosis by a chest clinic officer employed by a health authority of a State or Territory; and
    (iii) who has signed an undertaking to place herself under the professional supervision of a health authority in a State or Territory and to undergo any necessary treatment; and
    (iv) who the Minister is satisfied should not be required to undergo a chest x-ray examination at this time.

866.224A

A relevant medical practitioner:

(a) has considered:
    (i) the results of any tests carried out for the purposes of the medical examination required under clause 866.223; and
    (ii) the radiological report (if any) required under clause 866.224 in respect of the applicant; and
(b) if he or she is not a Medical Officer of the Commonwealth and considers that the applicant has a disease or condition that is, or may result in the applicant being, a threat to public health in Australia or a danger to the Australian community, has referred any relevant results and reports to a Medical Officer of the Commonwealth.

866.224B

If a Medical Officer of the Commonwealth considers that the applicant has a disease or condition that is, or may result in the applicant being, a threat to public health in Australia or a danger to the Australian community, arrangements have

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been made, on the advice of the Medical Officer of the Commonwealth, to place the applicant under the professional supervision of a health authority in a State or Territory to undergo any necessary treatment.

866.225

The applicant:

(a) satisfies public interest criteria 4001 and 4003A; and

(b) if the applicant had turned 18 at the time of application—satisfies public interest criterion 4019.

866.226

The Minister is satisfied that the grant of the visa is in the national interest.

866.227

(1) The applicant meets the requirements of subclause (2) or (3).

(2) The applicant meets the requirements of this subclause if the applicant, or a member of the family unit of the applicant, is not a person who has been offered a temporary stay in Australia by the Australian Government for the purpose of an application for a Temporary Safe Haven (Class UJ) visa as provided for in regulation 2.07AC.

(3) The applicant meets the requirements of this subclause if section 91K of the Act does not apply to the applicant's application because of a determination made by the Minister under subsection 91L(1) of the Act.

866.230

(1) If the applicant is a child to whom subregulation 2.08(2) applies, subclause (2) is satisfied.

(2) The Minister is satisfied that:

(a) the applicant is a member of the same family unit as an applicant to whom subclause 866.221(2) applies; and

(b) the applicant to whom subclause 866.221(2) applies has been granted a Subclass 866 (Protection) visa.

Note 1: Subregulation 2.08(2) applies, generally, to a child born to a non-citizen after the non-citizen has applied for a visa but before the application is decided.

Note 2: Subclause 866.221(2) applies if the Minister is satisfied that Australia has protection obligations in respect of the applicant as mentioned in paragraph 36(2)(a) or (aa) of the Act.

866.231

The applicant has not been made an offer of a permanent stay in Australia as described in item 3 or 4 of the table in subregulation 2.07AQ(3).

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Clause 866.232

866.232

The applicant does not hold a Resolution of Status (Class CD) visa.

866.3—Secondary criteria

Note: All applicants must satisfy the primary criteria.

866.4—Circumstances applicable to grant

866.411

The applicant must be in Australia.

866.5—When visa is in effect

866.511

Permanent visa permitting the holder to travel to and enter Australia for a period of 5 years from the date of grant.

866.6—Conditions

866.611

Condition 8559.

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Subclass 870—Sponsored Parent (Temporary)

870.1—Interpretation

Note 1: For ***parent sponsor***, see regulation 1.03 and for ***has an outstanding public health debt***, see regulation 1.15K.

Note 2: There are no interpretation provisions specific to this Part.

870.2—Primary criteria

Note 1: All applicants must satisfy the primary criteria.

Note 2: All criteria must be satisfied at the time a decision is made on the application.

870.221

The applicant is sponsored by a parent sponsor.

870.222

The applicant has access to sufficient funds to meet the costs and expenses of the applicant's intended stay in Australia.

870.223

(1) If:
  (a) the applicant is outside Australia at the time of application; and
  (b) the applicant previously held a Subclass 870 visa; and
  (c) there are no exceptional circumstances;

the applicant has been outside Australia for at least 90 consecutive days since the relevant departure day of the applicant.

(2) The ***relevant departure day*** of an applicant is:
  (a) if the applicant was in Australia when the last Subclass 870 visa held by the applicant ceased to be in effect—the first day on which the applicant left Australia after that visa ceased to be in effect; or
  (b) if the applicant was not in Australia when the last Subclass 870 visa held by the applicant ceased to be in effect—the last day on which the applicant left Australia while that visa was in effect.

870.224

The applicant has adequate arrangements for health insurance during the period of the applicant's intended stay in Australia.

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870.225

The applicant has complied substantially with the conditions to which the last of any substantive visas held by the applicant, and any subsequent bridging visa held by the applicant, were subject.

870.226

The applicant genuinely intends to stay in Australia temporarily.

870.227

Either:

(a) the applicant does not have an outstanding public health debt; or

(b) if the applicant has an outstanding public health debt—the debt has been paid in full or appropriate arrangements have been made for its payment.

870.228

(1) The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4010, 4019, 4020 and 4021.

(2) If the applicant was not in Australia at the time the visa application was made—the applicant satisfies public interest criterion 4005.

(3) If the applicant was in Australia at the time the visa application was made—the applicant satisfies public interest criterion 4007.

870.229

The applicant satisfies special return criteria 5001, 5002 and 5010.

870.3—Secondary criteria: Nil

Note: All applicants must satisfy the primary criteria.

870.4—Circumstances applicable to grant

870.411

The applicant may be in or outside Australia, but not in immigration clearance, when the visa is granted.

Note: The second instalment of the visa application charge must be paid before the visa can be granted.

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870.5—When visa is in effect

870.511

(1) Temporary visa permitting the holder to travel to, enter and remain in Australia on one or more occasions during the period:
  (a) starting on the day the visa is granted; and
  (b) subject to subclauses (2), (2A) and (3), ending on the date specified by the Minister.

(2) The Minister must not specify a date under paragraph (1)(b) that:
  (a) is more than 5 years after the day the visa is granted; or
  (b) would result in the total period of effect of the Subclass 870 visas held by the applicant (other than any visa that, in accordance with subclause (2A), ceased to be in effect 18 months after the date specified under paragraph (1)(b) for the visa) exceeding 10 years.

(2A) If:
  (a) the visa is in effect on 1 July 2021; and
  (b) the holder of the visa is outside Australia on 1 July 2021;
then, subject to subclause (3), the period of effect of the visa ends 18 months after the date specified under paragraph (1)(b) for the visa.

(3) If an item of column 1 of the following table applies in relation to the holder of the visa, then the period of effect of the visa ends at the time mentioned in column 2 of the item if that time is earlier than:
  (a) if paragraphs (2A)(a) and (b) apply—18 months after the date specified under paragraph (1)(b) for the visa; or
  (b) in any other case—the date specified under paragraph (1)(b) for the visa.

End of period of effect

Item	Column 1	Column 2
1	The approval of the parent sponsor of the holder is cancelled	35 days after the cancellation
2	Both: (a) the parent sponsor of the holder withdraws the parent sponsor's sponsorship of the holder; and (b) within 35 days after Immigration receives notification, in writing, of the withdrawal, no other person makes a relevant sponsorship application in relation to the holder	35 days after Immigration receives notification, in writing, of the withdrawal

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Clause 870.611

End of period of effect		
Item	**Column 1**	**Column 2**
3	All of the following: (a) the parent sponsor of the holder withdraws the parent sponsor's sponsorship of the holder; (b) within 35 days after Immigration receives notification, in writing, of the withdrawal, another person makes a relevant sponsorship application in relation to the holder; (c) the Minister decides to refuse the application	35 days after: (a) if the applicant applies for review of the Minister's decision—the application for review is finally determined and the Minister's decision is affirmed; or (b) otherwise—the Minister's decision is made
4	Both: (a) the parent sponsor of the holder dies; and (b) within 90 days after the death, no other person makes a relevant sponsorship application in relation to the holder	90 days after the death
5	All of the following: (a) the parent sponsor of the holder dies; (b) within 90 days after the death, another person makes a relevant sponsorship application in relation to the holder; (c) the Minister decides to refuse the application	35 days after: (a) if the applicant applies for review of the Minister's decision—the application for review is finally determined and the Minister's decision is affirmed; or (b) otherwise—the Minister's decision is made

(4) For the purposes of this clause, a person makes a ***relevant sponsorship application*** in relation to the holder of a visa if the person:
(a) makes an application in accordance with the process referred to in regulation 2.61A that specifies the holder as a person whom the person intends to sponsor; or
(b) makes an application in accordance with the process referred to in regulation 2.66 that relates to the holder.

870.6—Conditions

870.611

The visa is subject to conditions 8103, 8303, 8501, 8531, 8564 and 8609.

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Subclass 884—Contributory Aged Parent (Temporary)

884.1—Interpretation

Note: ***Australian permanent resident***, ***aged parent***, ***eligible New Zealand citizen***, ***close relative***, ***guardian***, ***outstanding***, ***parent visa*** and ***settled*** are defined in regulation 1.03, ***balance of family test*** is defined in regulation 1.05, ***parent*** is defined in subsection 5(1) of the Act (also see regulation 1.14A), ***de facto partner*** is defined in section 5CB of the Act (also see regulation 1.09A), and ***spouse*** is defined in section 5F of the Act (also see regulation 1.15A).

884.2—Primary criteria

Note: The primary criteria must be satisfied by at least 1 member of a family unit. The other members of the family unit who are applicants for a visa of this subclass need satisfy only the secondary criteria.

884.21—Criteria to be satisfied at time of application

884.211

(1) The applicant is:
  (a) the holder of a substantive visa (other than a Subclass 771 (Transit) visa); or
  (b) a person who:
    (i) is not the holder of a substantive visa; and
    (ii) immediately before ceasing to hold a substantive visa, was not the holder of a Subclass 771 (Transit) visa; and
    (iii) satisfies criterion 3002.

(2) Subclause (1) does not apply to an applicant if the applicant withdrew an application for a Subclass 804 (Aged Parent) visa at the time of making the application for the Subclass 884 (Contributory Aged Parent (Temporary)) visa.

884.212

(1) The applicant is:
  (a) either:
    (i) the aged parent of a person (the ***child***) who is:
      (A) a settled Australian citizen; or
      (B) a settled Australian permanent resident; or
      (C) a settled eligible New Zealand citizen; or
    (ii) the holder of a substituted Subclass 600 visa and the parent of a person (the ***child***) who is:
      (A) a settled Australian citizen; or
      (B) a settled Australian permanent resident; or
      (C) a settled eligible New Zealand citizen; and
  (b) sponsored in accordance with subclause (2) or (3).

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(2) If the child has turned 18, the applicant is sponsored by:
  (a) the child; or
  (b) the child's cohabiting spouse or de facto partner, if the spouse or de facto partner:
    (i) has turned 18; and
    (ii) is:
      (A) a settled Australian citizen; or
      (B) a settled Australian permanent resident; or
      (C) a settled eligible New Zealand citizen.

(3) If the child has not turned 18, the applicant is sponsored by:
  (a) the child's cohabiting spouse, if the spouse:
    (i) has turned 18; and
    (ii) is:
      (A) a settled Australian citizen; or
      (B) a settled Australian permanent resident; or
      (C) a settled eligible New Zealand citizen; or
  (b) a person who:
    (i) is a relative or guardian of the child; and
    (ii) has turned 18; and
    (iii) is:
      (A) a settled Australian citizen; or
      (B) a settled Australian permanent resident; or
      (C) a settled eligible New Zealand citizen; or
  (c) if the child has a cohabiting spouse but the spouse has not turned 18—a person who:
    (i) is a relative or guardian of the child's spouse; and
    (ii) has turned 18; and
    (iii) is:
      (A) a settled Australian citizen; or
      (B) a settled Australian permanent resident; or
      (C) a settled eligible New Zealand citizen; or
  (d) a community organisation.

884.213

If the applicant is not the holder of a substituted Subclass 600 visa, the applicant satisfies the balance of family test.

884.22—Criteria to be satisfied at time of decision

884.221

The applicant continues to satisfy the criterion in subclause 884.212(1).

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884.222

A sponsorship of the kind mentioned in clause 884.212, approved by the Minister, is in force, whether or not the sponsor was the sponsor at the time of application.

Note: The applicant may seek the Minister's approval for a change of sponsor as long as the new sponsor meets the description in clause 884.212.

884.224

The applicant satisfies the public interest criteria mentioned for the applicant in the item in the table that relates to the applicant.

Item	If the applicant …	the public interest criteria to be satisfied by the applicant are ...
1	was not the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003, 4004, 4005, 4009, 4010, 4020 and 4021; and (b) if the applicant had turned 18 at the time of application—4019
2	was the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003, 4007, 4009, 4010, 4020 and 4021; and (b) if the applicant had turned 18 at the time of application—4019

884.225

If the applicant has previously been in Australia, the applicant satisfies special return criteria 5001, 5002 and 5010.

884.226

Each member of the family unit of the applicant who is an applicant for a Subclass 884 (Contributory Aged Parent (Temporary)) visa:

(a) must satisfy the public interest criteria mentioned in the item in the table that relates to the applicant; and

(b) if the member of the family unit has previously been in Australia—must satisfy the special return criteria mentioned in the item in the table that relates to the applicant.

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Clause 884.227

Item	If the applicant …	the public interest criteria to be satisfied by the member of the family unit are …	and if the member of the family unit has previously been in Australia, the special return criteria are …
1	was not the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003, 4004, 4005, 4009, 4010 and 4020; and (b) if the applicant had turned 18 at the time of application—4019	5001, 5002 and 5010
2	was the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003, 4007, 4009, 4010 and 4020; and (b) if the applicant had turned 18 at the time of application—4019	5001, 5002 and 5010

884.227

Each member of the family unit of the applicant who is not an applicant for a Subclass 884 (Contributory Aged Parent (Temporary)) visa must satisfy the public interest criteria mentioned in the item in the table that applies to the applicant.

Item	If the applicant was …	the public interest criteria to be satisfied by the member of the family unit are ...
1	not the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003, 4004; and (b) 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment for that criterion
2	the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002 and 4003; and (b) 4007, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment for that criterion

884.228

If a person (the additional applicant):

(a) is a member of the family unit of the applicant; and

(b) has not turned 18; and

(c) made a combined application with the applicant;

public interest criteria 4015 and 4016 are satisfied in relation to the additional applicant.

884.229

If the applicant has previously made a valid application for another parent visa, that application is not outstanding.

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884.3—Secondary criteria

884.31—Criteria to be satisfied at time of application

884.311

Either:

(a) the applicant is a member of the family unit of, and made a combined application with, a person who satisfies the primary criteria in Subdivision 884.21; or

(b) each of the following applies:

(i) the applicant is a member of the family unit of a person (the ***other applicant***) who:

(A) has applied for a Contributory Aged Parent (Temporary) (Class UU) visa; and

(B) on the basis of the information provided in his or her application, appears to satisfy the primary criteria in Subdivision 884.21;

(ii) the Minister has not decided to grant or refuse to grant the visa to the other applicant.

884.312

A sponsorship of the kind mentioned in clause 884.212 of the person who satisfies the primary criteria, approved by the Minister:

(a) is in force; and

(b) includes sponsorship of the applicant.

884.32—Criteria to be satisfied at time of decision

884.321

Unless the applicant is a contributory parent newborn child, the applicant continues to be a member of the family unit of a person who, having satisfied the primary criteria, is the holder of a Subclass 884 (Contributory Aged Parent (Temporary)) visa.

884.322

One of the following applies:

(a) a sponsorship of the kind mentioned in clause 884.212 of the person who satisfies the primary criteria, approved by the Minister:

(i) is in force; and

(ii) includes sponsorship of the applicant;

whether or not the sponsor was the sponsor at the time of application.

(b) the applicant is a contributory parent newborn child who is sponsored by the person who sponsored the contributory parent newborn child's parent

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for a Subclass 884 (Contributory Aged Parent (Temporary)) visa or a Subclass 864 (Contributory Aged Parent) visa, and the contributory parent newborn child's sponsorship has been approved by the Minister;

(c) the applicant is a contributory parent newborn child who is taken to be sponsored in accordance with clause 884.322A.

884.322A

A contributory parent newborn child is taken to be sponsored if:

(a) the contributory parent newborn child's parent is taken to be sponsored in accordance with subclause 864.213(4); or

(b) the following criteria apply in relation to the contributory parent newborn child's parent:

(i) the parent is the holder of a Subclass 864 (Contributory Aged Parent) visa at the time of the contributory parent newborn child's application;

(ii) the person who sponsored the parent for the Subclass 864 (Contributory Aged Parent) visa has died; or

(c) the following criteria apply in relation to the contributory parent newborn child's parent:

(i) at the time of the contributory parent newborn child's application, the parent is the holder of:

(A) a Subclass 884 (Contributory Aged Parent (Temporary)) visa; or

(B) a bridging visa, and the last substantive visa held by that parent was a Subclass 884 (Contributory Aged Parent (Temporary)) visa;

(ii) the person who sponsored the parent for the Subclass 884 (Contributory Aged Parent (Temporary)) visa has died.

884.323

For an applicant who is not a contributory parent newborn child, the applicant satisfies the criteria mentioned for the applicant in an item in the table that relates to the applicant.

Item	If the applicant is a member of the family unit of a person who is mentioned in clause 884.321, and the person …	the public interest criteria to be satisfied by the applicant are ...
1	was not the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003, 4004, 4005, 4009 and 4010; and (b) if the applicant had turned 18 at the time of application—4019
2	was the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003, 4007, 4009 and 4010; and (b) if the applicant had turned 18 at the time of application—4019

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884.324

If the applicant has not turned 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.

884.325

If the applicant has previously made a valid application for another parent visa, that application is not outstanding.

884.326

If the applicant:

(a) is not a contributory parent newborn child; and

(b) has previously been in Australia;

the applicant satisfies special return criteria 5001, 5002 and 5010.

884.327

If the applicant is a contributory parent newborn child, the applicant has undergone any health checks that the Minister considers appropriate.

884.328

The applicant satisfies public interest criteria 4020 and 4021.

884.4—Circumstances applicable to grant

884.411

If the applicant is not a contributory parent newborn child, the applicant must be in Australia, but not in immigration clearance, when the visa is granted.

Note: The second instalment of the visa application charge must be paid before the visa can be granted.

884.412

If the applicant is a contributory parent newborn child, the applicant may be in Australia or outside Australia when the visa is granted.

884.5—When visa is in effect

884.511

If the applicant is not a contributory parent newborn child: temporary visa permitting the holder to travel to, enter and remain in Australia for 2 years from a date specified by the Minister for the purpose.

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Clause 884.512

884.512

If the applicant is a contributory parent newborn child: temporary visa permitting the holder to travel to, enter and remain in Australia until a date specified by the Minister.

884.6—Conditions: Nil.

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Subclass 887—Skilled—Regional

887.1—Interpretation

887.111

(1) In this Part:

specified regional area, for an applicant who applies for a Subclass 887 visa, means a part of Australia identified in accordance with subclause (2) or (3).

(2) If an applicant applies for the Subclass 887 visa on the basis of having held:
- (a) a Skilled—Designated Area-sponsored (Provisional) (Class UZ) visa; or
- (b) a Skilled (Provisional) (Class VC) visa that is subject to condition 8549; or
- (c) a Skilled (Provisional) (Class VF) visa that is subject to condition 8549; or
- (d) a Subclass 475 (Skilled—Regional Sponsored) visa in relation to which:
  - (i) the application for the visa was made on or after 1 July 2010; and
  - (ii) the visa was granted in the period starting on 1 July 2010 and ending on 31 December 2010; and
  - (iii) the visa was granted on the basis that the requirements of subclause 475.222(3) were satisfied; or
- (e) a Subclass 487 (Skilled—Regional Sponsored) visa in relation to which:
  - (i) the application for the visa was made on or after 1 July 2010; and
  - (ii) the visa was granted in the period starting on 1 July 2010 and ending on 31 December 2010; and
  - (iii) the visa was granted on the basis that the requirements of subclause 487.225(3) were satisfied; or
- (f) a Skilled—Regional Sponsored (Provisional) (Class SP) visa that is subject to condition 8549;

a specified regional area is a part of Australia that, at the time at which a visa of that kind was first granted to the applicant, was specified by the Minister in an instrument in writing under item 6701 of Schedule 6 or was a designated area.

(3) If an applicant applies for the Subclass 887 visa on the basis of having held:
- (a) a Skilled—Independent Regional (Provisional) (Class UX) visa; or
- (b) a Skilled (Provisional) (Class VC) visa that is subject to condition 8539; or
- (c) a Skilled (Provisional) (Class VF) visa that is subject to condition 8539; or
- (d) a Subclass 475 (Skilled—Regional Sponsored) visa in relation to which:
  - (i) the application for the visa was made on or after 1 July 2010; and
  - (ii) in making the application, the requirements of subitem 1228(3A) of Schedule 1 were satisfied; and
  - (iii) the visa was granted in the period starting on 1 July 2010 and ending on 31 December 2010; or
- (e) a Subclass 487 (Skilled—Regional Sponsored) visa in relation to which:
  - (i) the application for the visa was made on or after 1 July 2010; and

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Clause 887.211

(ii) in making the application, the requirements of subitem 1229(3A) of Schedule 1 were satisfied; and

(iii) the visa was granted in the period starting on 1 July 2010 and ending on 31 December 2010; or

(f) a Skilled—Regional Sponsored (Provisional) (Class SP) visa that is subject to condition 8539;

a specified regional area is a part of Australia that, at the time at which a visa of that kind was first granted to the applicant, was specified by the Minister in an instrument in writing under item 6A1001 of Schedule 6A or item 6D101 of Schedule 6D.

887.2—Primary criteria

Note: The primary criteria must be satisfied by at least 1 applicant. Other applicants who are members of the family unit of the applicant who satisfies the primary criteria need satisfy only the secondary criteria.

887.21—Criteria to be satisfied at time of application

887.211

The applicant meets the requirements set out in subitem 1136(7) of Schedule 1.

887.212

(1) Subject to subclause (2), the applicant must have lived in a specified regional area for a total of at least 2 years as the holder of 1 or more of the following visas:

(a) a Skilled—Independent Regional (Provisional) (Class UX) visa;

(b) a Skilled—Designated Area-sponsored (Provisional) (Class UZ) visa;

(c) a Subclass 475 (Skilled—Regional Sponsored) visa;

(d) a Subclass 487 (Skilled—Regional Sponsored) visa;

(e) a Skilled—Regional Sponsored (Provisional) (Class SP) visa;

(f) a Bridging A (Class WA) visa, or a Bridging B (Class WB) visa, that was granted on the basis of a valid application for:

(i) a Skilled—Independent Regional (Provisional) (Class UX) visa; or

(ii) a Skilled (Provisional) (Class VC) visa; or

(iii) a Skilled—Regional Sponsored (Provisional) (Class SP) visa.

(2) For the purposes of working out the length of time the applicant has lived in a specified regional area, the applicant is taken to have lived in a specified regional area for a period of 6 months (or such longer period as the Minister specifies in a legislative instrument under subclause (3)) if the applicant:

(a) was outside Australia during a concession period; and

(b) made the application outside Australia during the concession period; and

(c) either:

(i) is the holder of a visa mentioned in subclause (1); or

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(ii) was the holder of a visa mentioned in subclause (1) that expired during the concession period.

(3) The Minister may, by legislative instrument, specify a longer period for the purposes of subclause (2).

887.213

(1) The applicant must have worked full-time in a specified regional area:
   (a) for a total of at least one year as the holder of one or more of the visas mentioned in subclause 887.212(1); or
   (b) if subclause (2) applies—for a total of 9 months (or such shorter period as the Minister specifies for the purposes of this paragraph in a legislative instrument under subclause (3)) as the holder of one or more of the visas mentioned in subclause 887.212(1).

(2) This subclause applies if the applicant held a visa mentioned in subclause 887.212(1) during a concession period and made the application no later than 3 months after the end of the concession period.

(3) The Minister may, by legislative instrument, specify a shorter period for the purposes of paragraph (1)(b).

887.22—Criteria to be satisfied at time of decision

887.221

(1) While the applicant was the holder of:
   (a) a Skilled—Independent Regional (Provisional) (Class UX) visa; or
   (b) a Skilled—Designated Area-sponsored (Provisional) (Class UZ) visa; or
   (c) a Subclass 475 (Skilled—Regional Sponsored) visa; or
   (d) a Subclass 487 (Skilled—Regional Sponsored) visa; or
   (e) a Skilled—Regional Sponsored (Provisional) (Class SP) visa;
   the applicant must have substantially complied with the conditions to which that visa is or was subject.

(2) While a person included in the application (other than the applicant) was the holder of:
   (a) a Skilled—Independent Regional (Provisional) (Class UX) visa; or
   (b) a Skilled—Designated Area-sponsored (Provisional) (Class UZ) visa; or
   (c) a Subclass 475 (Skilled—Regional Sponsored) visa; or
   (d) a Subclass 487 (Skilled—Regional Sponsored) visa; or
   (e) a Skilled—Regional Sponsored (Provisional) (Class SP) visa;
   that person must have substantially complied with the conditions to which that visa is or was subject.

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Clause 887.223

887.223

The applicant:

(a) satisfies public interest criteria 4001, 4002, 4003, 4004, 4007, 4010, 4020 and 4021; and

(b) if the applicant had turned 18 at the time of application—satisfies public interest criterion 4019.

887.224

The applicant satisfies special return criteria 5001, 5002 and 5010.

887.225

(1) Each person who is covered by subclause (2), (3) or (4):

(a) satisfies public interest criteria 4001, 4002, 4003, 4004, 4007, 4010 and 4020; and

(b) if the person had turned 18 at the time of application—satisfies public interest criterion 4019; and

(c) satisfies special return criteria 5001, 5002 and 5010.

(2) This subclause covers a person:

(a) who is a member of the family unit of the applicant (the ***primary applicant***); and

(b) who is also an applicant for a Subclass 887 visa.

(3) This subclause covers a person (the ***relevant person***) if:

(a) the relevant person was, at the time of the primary applicant's application, a member of the family unit of the primary applicant; and

(b) the relevant person is an applicant for a Subclass 887 visa; and

(c) the Minister is satisfied that:

(i) the relevant person; or

(ii) a member of the family unit of the relevant person who has made a combined application with the relevant person or with the primary applicant; or

(iii) a dependent child of the relevant person or of the primary applicant;

has experienced family violence committed by the primary applicant.

Note: For special provisions relating to family violence, see Division 1.5.

(4) This subclause covers a person if:

(a) the person is an applicant for a Subclass 887 visa; and

(b) the person is a member of the family unit of a person covered by subclause (3).

887.226

(1) Each person:

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(a) who is a member of the family unit of the applicant; and
(b) who is not an applicant for a Subclass 887 visa;

satisfies public interest criteria 4001, 4002, 4003 and 4004, and satisfies public interest criterion 4007 unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.

(2) Each person:
(a) who was, at the time of application, a member of the family unit of the applicant but is no longer a member of the family unit of the applicant; and
(b) who is a member of the family unit of a person covered by subclause 887.225(3) or (4); and
(c) who is not an applicant for a Subclass 887 visa;

satisfies public interest criteria 4001, 4002, 4003 and 4004, and satisfies public interest criterion 4007 unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.

887.227

If a person (the additional applicant):
(a) is a person covered by subclause 887.225(2), (3) or (4); and
(b) is less than 18; and
(c) made a combined application with the applicant;

public interest criteria 4015 and 4016 are satisfied for the additional applicant.

887.228

Grant of the visa would not result in either:
(a) the number of Subclass 887 visas granted in a financial year exceeding the maximum number of Subclass 887 visas, as determined by the Minister in an instrument in writing for this paragraph, that may be granted in that financial year; or
(b) the number of visas of particular classes (including Subclass 887) granted in a financial year exceeding the maximum number of visas of those classes, as determined by the Minister in an instrument in writing for this paragraph, that may be granted in that financial year.

887.3—Secondary criteria

Note: These criteria are for applicants seeking to satisfy the secondary criteria.

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Clause 887.311

887.31—Criteria to be satisfied at time of application

887.311

The applicant is a member of the family unit of a person who satisfies the primary criteria in Subdivision 887.21 and made a combined application with that person.

887.32—Criteria to be satisfied at time of decision

887.321

(1) The applicant meets the requirements of subclause (2), (3), (4) or (5).

(2) The applicant continues to be a member of the family unit of a person who holds a Subclass 887 visa granted on the basis of satisfying the primary criteria for the grant of the visa.

(3) The applicant meets the requirements of this subclause if:
  (a) at the time of the application, the applicant was the spouse or de facto partner of a person (the ***primary applicant***) seeking to satisfy the primary criteria for the grant of a Subclass 887 visa, and the primary applicant has since been granted that visa; and
  (b) the relationship between the primary applicant and the applicant has ceased; and
  (c) one or more of the following:
    (i) the applicant;
    (ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
    (iii) a dependent child of the applicant or of the primary applicant;

  has experienced family violence committed by the primary applicant; and
  (d) the applicant:
    (i) was in Australia at the time the applicant's visa application was made; or
    (ii) entered Australia after the applicant's visa application was made.

(4) The applicant meets the requirements of this subclause if:
  (a) at the time of the application, the applicant was the spouse or de facto partner of a person (the ***primary applicant***) seeking to satisfy the primary criteria for the grant of a Subclass 887 visa; and
  (b) the relationship between the primary applicant and the applicant has ceased; and
  (c) one or more of the following:
    (i) the applicant;
    (ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
    (iii) a dependent child of the applicant or of the primary applicant;

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has experienced family violence committed by the primary applicant; and

(d) the applicant:

(i) was in Australia at the time the applicant's visa application was made; or

(ii) entered Australia after the applicant's visa application was made; and

(e) the Minister has decided to refuse to grant the primary applicant the visa for reasons including that the primary applicant had engaged in conduct involving family violence (whether or not the family violence was against a person mentioned in paragraph (c)).

(5) The applicant meets the requirements of this subclause if:

(a) the applicant is a member of the family unit of a person (the ***secondary applicant***) who meets the requirements of subclause (3) or (4); and

(b) the applicant has made a combined application with either the secondary applicant or the primary applicant mentioned in subclause (3) or (4) (whichever applies to the secondary applicant); and

(c) a Subclass 887 visa has since been granted to the secondary applicant.

Note: For special provisions relating to family violence, see Division 1.5.

887.322

The applicant:

(a) satisfies public interest criteria 4001, 4002, 4003, 4004, 4007, 4010, 4020 and 4021; and

(b) if the applicant had turned 18 at the time of application—satisfies public interest criterion 4019.

887.323

The applicant satisfies special return criteria 5001, 5002 and 5010.

887.324

If the applicant is less than 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.

887.325

(1) This clause applies if the applicant (the ***secondary applicant***) meets the requirements of subclause 887.321(4).

(2) Each member of the family unit of the secondary applicant who is an applicant for a Subclass 887 visa satisfies:

(a) public interest criteria 4001, 4002, 4003, 4003B, 4004, 4007, 4010, 4020 and 4021; and

(b) special return criteria 5001, 5002 and 5010.

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(3) Each member of the family unit of the secondary applicant who is an applicant for a Subclass 887 visa and who has turned 18 at the time of application satisfies public interest criterion 4019.

(4) Public interest criteria 4015 and 4016 are satisfied in relation to each member of the family unit of the secondary applicant who is an applicant for a Subclass 887 visa and who has not turned 18 at the time of application.

(5) Each member of the family unit of the secondary applicant who is not an applicant for a Subclass 887 visa:
  (a) satisfies public interest criteria 4001, 4002, 4003 and 4004; and
  (b) satisfies public interest criterion 4007 unless the Minister is satisfied that it would be unreasonable to require the member to undergo assessment in relation to that criterion.

887.4—Circumstances applicable to grant

887.411

The applicant may be in or outside Australia when the visa is granted, but not in immigration clearance.

Note: The second instalment of the visa application charge must be paid before the visa can be granted.

887.5—When visa is in effect

887.511

Permanent visa permitting the holder to travel to and enter Australia for 5 years from the date of grant.

887.6—Conditions: Nil.

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Subclass 888—Business Innovation and Investment (Permanent)

888.1—Interpretation

888.111

In this Part:

designated investment means an investment in a security that is specified for this Part by the Minister under regulation 5.19A.

Note 1: For ***AUD***, ***fiscal year***, ***ownership interest*** and ***qualifying business***: see regulation 1.03.

Note 2: Regulation 1.03 also provides that ***member of the family unit*** has the meaning set out in regulation 1.12.

Note 3: ***main business*** is defined in regulation 1.11.

Note 4: For the beneficial ownership of an asset, eligible investment or ownership interest: see regulation 1.11A.

Note 5: ***Complying investment*** is defined in regulation 5.19B.

Note 6: ***Complying significant investment*** is defined in regulation 5.19C.

Note 7: ***Complying premium investment*** is defined in regulation 5.19D.

888.2—Primary criteria

Note: The primary criteria for the grant of a Subclass 888 visa include criteria set out in streams.

If an applicant applies for a Subclass 888 visa in the Business Innovation stream, the criteria in Subdivisions 888.21 and 888.22 are the primary criteria for the grant of the visa.

If an applicant applies for a Subclass 888 visa in the Investor stream, the criteria in Subdivisions 888.21 and 888.23 are the primary criteria for the grant of the visa.

If an applicant applies for a Subclass 888 visa in the Significant Investor stream, the criteria in Subdivisions 888.21 and 888.24 are the primary criteria for the grant of the visa.

If an applicant applies for a Subclass 888 visa in the Premium Investor stream, the criteria in Subdivisions 888.21 and 888.25 are the primary criteria for the grant of the visa.

If an applicant applies for a Subclass 888 visa in the Entrepreneur stream, the criteria in Subdivisions 888.21 and 888.26 are the primary criteria for the grant of the visa.

The primary criteria must be satisfied by at least one member of a family unit. The other members of the family unit who are applicants for a visa of this subclass need satisfy only the secondary criteria.

All criteria must be satisfied at the time a decision is made on the application.

888.21—Common criteria

Note: These criteria are for all applicants seeking to satisfy the primary criteria for a Subclass 888 visa.

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Clause 888.211

888.211

(1) The following persons must not have a history of involvement in business or investment activities that are of a nature that is not generally acceptable in Australia:
  (a) the applicant (the ***primary applicant***);
  (b) the primary applicant's spouse or de facto partner;
  (c) the person covered by subclause (2).

(2) This subclause covers a person if:
  (a) at the time of application, the person was the spouse or de facto partner of the primary applicant; and
  (b) the relationship between the primary applicant and the person has ceased; and
  (c) one or more of the following has experienced family violence committed by the primary applicant:
    (i) the person;
    (ii) a member of the family unit of the person who has made a combined application with the person or with the primary applicant;
    (iii) a dependent child of the person or of the primary applicant.

888.212

The nominating State or Territory government agency or the CEO of Austrade has not withdrawn the nomination.

888.213

The applicant genuinely has a realistic commitment to maintain business or investment activities in Australia.

888.214

(1) The following persons must have a satisfactory record of compliance with the laws of the Commonwealth, and of each State or Territory in which the applicant (the ***primary applicant***) operates a business and employs employees in the business, relating to the primary applicant's business:
  (a) the primary applicant;
  (b) the primary applicant's spouse or de facto partner;
  (c) the person covered by subclause (2).

Note: Those laws include laws relating to taxation, superannuation and workplace relations.

(2) This subclause covers a person if:
  (a) at the time of application, the person was the spouse or de facto partner of the primary applicant; and
  (b) the relationship between the primary applicant and the person has ceased; and

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(c) the Minister is satisfied that one or more of the following has experienced family violence committed by the primary applicant:
(i) the person;
(ii) a member of the family unit of the person who has made a combined application with the person or with the primary applicant;
(iii) a dependent child of the person or of the primary applicant.

888.215

(1) The applicant (the ***primary applicant***) satisfies public interest criteria 4001, 4002, 4003, 4004, 4007, 4010, 4020 and 4021.

(2) If the primary applicant has turned 18 at the time of application, the primary applicant satisfies public interest criterion 4019.

(3) Each person who is covered by subclause (4), (5) or (6) satisfies public interest criteria 4001, 4002, 4003, 4004, 4007, 4010 and 4020.

(4) This subclause covers a person who is a member of the family unit of the primary applicant who is also an applicant for a Subclass 888 visa.

(5) This subclause covers a person (the ***relevant person***) if:
(a) the relevant person was, at the time of the primary applicant's application, a member of the family unit of the primary applicant; and
(b) the relevant person is an applicant for a Subclass 888 visa; and
(c) the Minister is satisfied that one or more of the following has experienced family violence committed by the primary applicant:
(i) the relevant person;
(ii) a member of the family unit of the relevant person who has made a combined application with the relevant person or with the primary applicant;
(iii) a dependent child of the relevant person or of the primary applicant.

Note: For special provisions relating to family violence, see Division 1.5.

(6) This subclause covers a person if:
(a) the person was, at the time of the primary applicant's application, a member of the family unit of the primary applicant but is no longer a member of the family unit of the primary applicant; and
(b) the person is an applicant for a Subclass 888 visa; and
(c) the person is a member of the family unit of a person covered by subclause (5).

(7) Each person:
(a) who either:
(i) is a member of the family unit of the primary applicant and also an applicant for a Subclass 888 visa; or
(ii) is covered by subclause (5) or (6); and
(b) who had turned 18 at the time of the primary applicant's application;

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satisfies public interest criterion 4019.

(8) If a person:
  (a) either:
    (i) is a member of the family unit of the primary applicant and also an applicant for a Subclass 888 visa; or
    (ii) is covered by subclause (5) or (6); and
  (b) has not turned 18;
public interest criteria 4015 and 4016 are satisfied in relation to the person.

888.215A

(1) Each person:
  (a) who is a member of the family unit of the applicant; and
  (b) who is not an applicant for a Subclass 888 visa;
satisfies public interest criteria 4001, 4002, 4003 and 4004, and satisfies public interest criterion 4007, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.

(2) Each person:
  (a) who was, at the time of the applicant's application, a member of the family unit of the applicant but is no longer a member of the family unit of the applicant; and
  (b) who is a member of the family unit of a person who is covered by subclause 888.215(5) or (6); and
  (c) who is not an applicant for a Subclass 888 visa;
satisfies public interest criteria 4001, 4002, 4003 and 4004, and satisfies public interest criterion 4007, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.

888.216

(1) The applicant satisfies special return criteria 5001, 5002 and 5010.

(2) Each person covered by subclause 888.215(4), (5) or (6) who is an applicant for a Subclass 888 visa satisfies special return criteria 5001, 5002 and 5010.

888.22—Criteria for Business Innovation stream

Note: These criteria are only for applicants seeking to satisfy the primary criteria for a Subclass 888 visa in the Business Innovation stream.

888.221

(1) The applicant has been in Australia, as the holder of one or more visas mentioned in the table in subitem 1104BA(4) of Schedule 1 (the ***relevant table***):

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(a) if the applicant is covered by any of subclauses (1A) to (1F)—for a total period of at least one year in the 2 years immediately before the application was made; or

(b) otherwise—for a total period of at least one year in the 3 years immediately before the application was made.

(1A) The applicant is covered by this subclause if:

(a) at the time of application, the applicant held the visa mentioned in item 1AA of the relevant table; and

(b) the applicant was invited to apply for that visa before 1 July 2021.

(1B) The applicant is covered by this subclause if:

(a) at the time of application, the applicant held the visa mentioned in item 1 of the relevant table; and

(b) the applicant was invited, before 1 July 2021, to apply for the Subclass 188 (Business Innovation and Investment (Provisional)) visa in the Business Innovation stream held by the applicant.

(1C) The applicant is covered by this subclause if, at the time of application, the applicant met the requirements in item 1A of the relevant table.

(1D) The applicant is covered by this subclause if:

(a) at the time of application, the applicant held the secondary visa mentioned in item 2 of the relevant table; and

(b) the primary visa holder mentioned in that item was invited, before 1 July 2021, to apply for the Subclass 188 (Business Innovation and Investment (Provisional)) visa in the Business Innovation stream held by the primary visa holder.

(1E) The applicant is covered by this subclause if, at the time of application, the applicant met the requirements in item 2A of the relevant table.

(1F) The applicant is covered by this subclause if:

(a) at the time of application, the applicant held the visa mentioned in item 3 or 4 of the relevant table; and

(b) if the applicant held the visa mentioned in item 3 of the relevant table—the visa was granted before 1 July 2021.

(2) For the purposes of subclause (1), an applicant is taken to have been in Australia during a period if:

(a) the applicant was outside Australia during a concession period; and

(b) during the concession period the applicant was the holder of one or more visas mentioned in item 1AA, 1 or 2 of the table in subitem 1104BA(4) of Schedule 1; and

(c) the first such visa was granted to the applicant before 1 July 2019.

888.222

(1) The applicant (the current applicant):

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(a) had an ownership interest in at least one actively operating main business in Australia during the 2 years immediately before the application was made; and
(b) continues to have the ownership interest in the actively operating main business.

(2) If the current applicant acquired the ownership interest from another person who was an applicant for, or held, a Business Skills (Permanent) (Class EC) visa or a Business Skills (Residence) (Class DF) visa at the time of the acquisition, the current applicant must have held the ownership interest with that person as a joint interest for at least one year before the current applicant's application was made.

888.223

An Australian Business Number has been obtained for each business mentioned in subclause 888.222(1).

888.224

Each Business Activity Statement required by the Commissioner of Taxation during the 2 years immediately before the application was made has been submitted to the Commissioner and has been included in the application.

888.225

(1) If the nominating State or Territory government agency has not determined that there are exceptional circumstances:
(a) the requirements in at least 2 of subclauses (2) to (4) are met; and
(b) the requirement in subclause (5) is met.

(2) The assets owned by the applicant, the applicant's spouse or de facto partner, or the applicant and his or her spouse or de facto partner together, in the main business or main businesses in Australia:
(a) had a net value of at least AUD200 000 throughout the period of 12 months immediately before the application was made; and
(b) continue to have a net value of at least AUD200 000; and
(c) were lawfully acquired.

(3) In the period of 12 months immediately before the application was made:
(a) the main business in Australia, or main businesses in Australia, of the applicant, the applicant's spouse or de facto partner, or the applicant and his or her spouse or de facto partner together provided employment in Australia to 2 or more employees for a total number of hours that was at least the total number of hours that would have been worked by 2 full-time employees; and
(b) each employee whose employment is used to work out that total number of hours:

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(i) was not the applicant or a member of the family unit of the applicant during that period; and

(ii) was an Australian citizen, an Australian permanent resident or the holder of a valid New Zealand passport during that period.

(4) The business and personal assets in Australia of the applicant, the applicant's spouse or de facto partner, or the applicant and his or her spouse or de facto partner together:

(a) had a net value of at least AUD600 000 in the period of 12 months ending immediately before the application was made; and

(b) continue to have a net value of at least AUD600 000; and

(c) were lawfully acquired.

(5) The main business in Australia, or main businesses in Australia, of the applicant, the applicant's spouse or de facto partner, or the applicant and his or her spouse or de facto partner together, had an annual turnover of at least AUD300 000 in the 12 months immediately before the application was made.

888.226

(1) Subclause (2) or (3) applies.

(2) All of the following apply:

(a) the nominating State or Territory government agency has determined that there are exceptional circumstances;

(b) the requirements set out in at least 2 of subclauses 888.225(2) to (4) have been met;

(c) the applicant:

(i) resides in an area specified by the Minister in an instrument in writing for this subparagraph; and

(ii) operates the applicant's main business or businesses in Australia in the area.

(3) Both of the following apply:

(a) the nominating State or Territory government agency has determined that there are exceptional circumstances;

(b) the requirement set out in subclause 888.225(5) has been met.

888.23—Criteria for Investor stream

Note: These criteria are only for applicants seeking to satisfy the primary criteria for a Subclass 888 visa in the Investor stream.

888.231

(1) The applicant has been in Australia, as the holder of a visa mentioned in the table in subitem 1104BA(5) of Schedule 1 (the ***relevant table***):

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(a) if the applicant is covered by any of subclauses (1A) to (1C)—for a total period of at least 2 years in the 4 years immediately before the application was made; or

(b) otherwise—for a total period of at least 2 years in the 3 years immediately before the application was made.

(1A) The applicant is covered by this subclause if:

(a) at the time of application, the applicant held the visa mentioned in item 1 of the relevant table; and

(b) the applicant was invited to apply for that visa before 1 July 2021.

(1B) The applicant is covered by this subclause if:

(a) at the time of application, the applicant held the secondary visa mentioned in item 2 of the relevant table; and

(b) the primary visa holder mentioned in that item was invited to apply for the primary visa mentioned in that item before 1 July 2021.

(1C) The applicant is covered by this subclause if, at the time of application, the applicant met the requirements in item 3 or 4 of the relevant table.

(2) For the purposes of subclause (1), an applicant is taken to have been in Australia during a period if:

(a) the applicant was outside Australia during a concession period; and

(b) during the concession period the applicant was the holder of a visa mentioned in the table in subitem 1104BA(5) of Schedule 1; and

(c) the visa was granted to the applicant before 1 July 2019.

888.232

If the applicant is covered by any of subclauses 888.231(1A) to (1C), either of the following paragraphs apply:

(a) the designated investment made by the applicant for the purpose of satisfying a criterion for the grant of a Subclass 188 (Business Innovation and Investment (Provisional)) visa has been held continuously in the name of the applicant, or in the names of the applicant and the applicant's spouse or de facto partner together, for:

(i) if the Subclass 188 (Business Innovation and Investment (Provisional)) visa was granted on the basis of an application made before 1 July 2015—at least 3 years and 11 months; or

(ii) if the Subclass 188 (Business Innovation and Investment (Provisional)) visa was granted on the basis of an application made on or after 1 July 2015—at least 4 years; or

(b) the applicant withdrew funds from, or cancelled, the designated investment during a concession period and the following requirements are satisfied:

(i) the applicant holds or held a Subclass 188 (Business Innovation and Investment (Provisional)) visa that was granted before 1 July 2019;

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(ii) the applicant was resident in Australia for a period of at least 2 years immediately before the applicant first withdrew funds from, or cancelled, the designated investment;
(iii) the designated investment was held continuously in the name of the applicant, or in the names of the applicant and the applicant's spouse or de facto partner together, during that period;
(iv) the applicant did not withdraw funds from, or cancel any part of, the designated investment outside of the concession period.

888.233

Unless the applicant is covered by any of subclauses 888.231(1A) to (1C), the applicant has held a complying significant investment for the whole of the period during which the applicant held a Subclass 188 visa.

888.24—Criteria for Significant Investor stream

Note: These criteria are only for applicants seeking to satisfy the primary criteria for a Subclass 888 visa in the Significant Investor stream.

888.241

(1) If the applicant is covered by any of subclauses (1A) to (1D), at the time of application:
(a) the applicant has held a Subclass 188 (Business Innovation and Investment (Provisional)) visa in the Significant Investor stream for a continuous period of 4 years; or
(b) the applicant has held a Subclass 188 (Business Innovation and Investment (Provisional)) visa in the Significant Investor stream and one or more Subclass 188 (Business Innovation and Investment (Provisional)) visas in the Significant Investor Extension stream for a continuous period of 4 years; or
(c) the applicant:
(i) has held, for a continuous period of 3 years and 11 months, a Subclass 188 (Business Innovation and Investment (Provisional)) visa in the Significant Investor stream applied for before 1 July 2015; and
(ii) has not held a Subclass 188 (Business Innovation and Investment (Provisional)) visa in the Significant Investor Extension stream granted on the basis of the visa mentioned in subparagraph (i); or
(d) the applicant:
(i) has held a Subclass 188 visa in the Significant Investor stream that was granted before 1 July 2019; but
(ii) no longer holds the visa because the visa expired during a concession period.

(1AA) If, at the time of application, the applicant met the requirements in item 2 or 4 of the table in subitem 1104BA(5A) of Schedule 1 (the ***relevant table***), a reference in subclause (1), (2A) or (2B) to a Subclass 188 (Business Innovation and Investment (Provisional)) visa in the Significant Investor stream or the

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Significant Investor Extension stream is taken to be a reference to a Subclass 188 (Business Innovation and Investment (Provisional)) visa granted on the basis that the applicant was the spouse or de facto partner of a person who held a Subclass 188 (Business Innovation and Investment (Provisional)) visa in the Significant Investor stream or the Significant Investor Extension stream.

(1A) The applicant is covered by this subclause if:
- (a) at the time of application, the applicant held the visa mentioned in item 1A of the relevant table; and
- (b) the applicant was invited to apply for that visa before 1 July 2021.

(1B) The applicant is covered by this subclause if:
- (a) at the time of application, the applicant held the visa mentioned in item 1 of the relevant table; and
- (b) the applicant was invited, before 1 July 2021, to apply for the Subclass 188 (Business Innovation and Investment (Provisional)) visa in the Significant Investor stream held by the applicant.

(1C) The applicant is covered by this subclause if:
- (a) at the time of application, the applicant held the secondary visa mentioned in item 2 of the relevant table; and
- (b) the primary visa holder mentioned in that item was invited, before 1 July 2021, to apply for the Subclass 188 (Business Innovation and Investment (Provisional)) visa in the Significant Investor stream held by the primary visa holder.

(1D) The applicant is covered by this subclause if, at the time of application, the applicant met the requirements in item 3 or 4 of the relevant table.

(2) The applicant meets the requirements of subclause (2A) or (2B).

(2A) Both of the following apply:
- (a) the most recent Subclass 188 visa in the Significant Investor stream held by the applicant (which may be the visa currently held by the applicant) was granted on the basis of an application made before 1 July 2015;
- (b) the applicant has held, for the whole of the period during which the applicant has held the visas or visa mentioned in subclause (1), a complying investment within the meaning of regulation 5.19B as in force at the time the application mentioned in paragraph (a) was made.

(2B) Both of the following apply:
- (a) the most recent Subclass 188 visa in the Significant Investor stream held by the applicant (which may be the visa currently held by the applicant) was granted on the basis of an application made on or after 1 July 2015;
- (b) the applicant has held a complying significant investment (within the meaning of regulation 5.19C as in force at the time the application mentioned in paragraph (a) was made) for:

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(i) if the applicant is covered by any of subclauses (1A) to (1D)—the whole of the period during which the applicant has held the visas or visa mentioned in subclause (1); or

(ii) otherwise—the whole of the period during which the applicant has held the visa on the basis of which the applicant met the requirements in an item of the relevant table.

(3) For any part of the investment mentioned in subclause (2A) or (2B) for the applicant that is, or was, a direct investment in an Australian proprietary company:

(a) if the period of the direct investment was less than 2 years, the company was a qualifying business for the whole period; or

(b) if the period of the direct investment was 2 years or more, the company was a qualifying business for at least 2 years; or

(c) if the company has been unable to operate as a qualifying business, the Minister is satisfied that the applicant made a genuine attempt to operate the business as a qualifying business.

(4) The applicant has given the Minister:

(a) if subclause (2A) applies to the applicant—a completed copy of approved form 1413 for each investment in a managed fund on which the investment mentioned in that subclause is based; or

(b) if subclause (2B) applies to the applicant—evidence that the applicant holds an investment as required for that subclause.

Note: Approved form 1413 includes a declaration that the investments made by a managed fund for the benefit of clients are limited to one or more of the purposes specified by the Minister for paragraph 5.19B(2)(c).

888.242

(1) The applicant meets the requirements of subclause (2) or (3).

(2) The applicant has been in Australia for at least the number of days worked out by adding the results of paragraphs (a) and (b):

(a) 40 multiplied by the number of complete years in the period in which the applicant has held a Subclass 188 visa in the Significant Investor stream; and

(b) 40 multiplied by the number of years (if any) (treating a part of a year as 1 year) in the period in which the applicant has held a Subclass 188 visa in the Significant Investor Extension stream.

(2A) For the purposes of working out, under subclause (2), the number of days the applicant has been in Australia, the applicant is taken to have been in Australia during a period if:

(a) the applicant was outside Australia during a concession period; and

(b) during the concession period the applicant held a Subclass 188 visa in the Significant Investor stream or a Subclass 188 visa in the Significant Investor Extension stream; and

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(c) the Subclass 188 visa in the Significant Investor stream was granted to the applicant before 1 July 2019.

(3) The applicant's spouse or de facto partner has been in Australia on a Subclass 188 visa, granted on the basis that the applicant held a Subclass 188 visa in the Significant Investor stream or the Significant Investor Extension stream, for at least the number of days worked out by adding the results of paragraphs (a) and (b):

(a) 180 multiplied by the number of complete years in the period in which the applicant held a Subclass 188 visa in the Significant Investor stream; and

(b) 180 multiplied by the number of years (if any) (treating a part of a year as 1 year) in which the applicant held a Subclass 188 visa in the Significant Investor Extension stream.

(4) For the purposes of working out, under subclause (3), the number of days the applicant's spouse or de facto partner has been in Australia, the spouse or partner is taken to have been in Australia during a period if:

(a) the spouse or partner was outside Australia during a concession period; and

(b) during the concession period the spouse or partner held a Subclass 188 visa, granted on the basis that the applicant held a Subclass 188 visa in the Significant Investor stream or a Subclass 188 visa in the Significant Investor Extension stream; and

(c) the Subclass 188 visa in the Significant Investor stream was granted to the applicant before 1 July 2019.

Note: It is not necessary for the applicant to have been in Australia for 40 days in each year in the period or the applicant's spouse or de facto partner to have been in Australia for 180 days in each year in the period.

888.25—Criteria for Premium Investor stream

Note: These criteria are only for applicants seeking to satisfy the primary criteria for a Subclass 888 visa in the Premium Investor stream.

888.251

(1) At the time of application the applicant has held a Subclass 188 (Business Innovation and Investment (Provisional)) visa in the Premium Investor stream for a continuous period of at least 12 months.

(2) For the whole of the period during which the applicant has held the visa mentioned in subclause (1), the applicant has held a complying premium investment (within the meaning of regulation 5.19D as in force at the time the application for that visa was made) except any part of the investment that is a philanthropic contribution.

(3) For any part of the complying premium investment (except any part of the investment that is a philanthropic contribution) that is, or was, a direct investment in an Australian proprietary company:

(a) the company was a qualifying business for the whole period; or

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(b) if the company has been unable to operate as a qualifying business, the Minister is satisfied that the applicant made a genuine attempt to operate the business as a qualifying business.

(4) The applicant has given the Minister evidence that the investment complies with the requirements set out in regulation 5.19D as in force at the time of application.

888.26—Criteria for Entrepreneur stream

Note: These criteria are only for applicants seeking to satisfy the primary criteria for a Subclass 888 visa in the Entrepreneur stream.

888.261

(1) At the time of application the applicant:

(a) holds a Subclass 188 (Business Innovation and Investment (Provisional)) visa in the Entrepreneur stream and has done so for a continuous period of at least:

(i) if the applicant was invited to apply for that visa before 1 July 2021—4 years; or

(ii) otherwise—3 years; and

(b) either:

(i) if the applicant was invited to apply for that visa before 1 July 2021—has resided in Australia for at least 2 years of the 4 years mentioned in subparagraph (a)(i); or

(ii) otherwise—has resided in Australia for at least 2 years while holding a Subclass 188 (Business Innovation and Investment (Provisional)) visa in the Entrepreneur stream.

(1A) If:

(a) the applicant was outside Australia during a concession period; and

(b) during the concession period the applicant held a Subclass 188 (Business Innovation and Investment (Provisional)) visa in the Entrepreneur stream (the ***qualifying visa***); and

(c) the qualifying visa was granted before 1 July 2019; and

(d) the qualifying visa expired during the concession period while the applicant was outside Australia and before the application was made;

then the applicant is taken to satisfy paragraph (1)(a) at the time of application.

(1B) If:

(a) the applicant was outside Australia during a concession period; and

(b) during the concession period the applicant held a Subclass 188 (Business Innovation and Investment (Provisional)) visa in the Entrepreneur stream; and

(c) the visa was granted before 1 July 2019;

then, for the purposes of working out under paragraph (1)(b) the length of time the applicant has resided in Australia, the applicant is taken to have resided in

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Australia during any period the applicant held the visa outside Australia during the concession period.

(2) The applicant has demonstrated overall a successful record of undertaking, whether alone or by participating in a business, activities of an entrepreneurial nature (disregarding activities specified in an instrument made under subregulation 5.19E(6) for the purposes of paragraph 5.19E(2)(b)):
  (a) in Australia; and
  (b) while holding a Subclass 188 (Business Innovation and Investment (Provisional)) visa in the Entrepreneur stream.

(3) In determining the success of the applicant's record for the purposes of subclause (2), the Minister must have regard to the following (without limitation):
  (a) the number of Australian citizens and Australian permanent residents that are employed in Australia in relation to the activities;
  (b) the level and nature of ongoing funding of, or investment in, the activities;
  (c) the annual turnover of businesses related to the activities;
  (d) any endorsement of the applicant's record by a body recognised by the nominating State or Territory government agency as a start-up incubator, start-up accelerator or other body that assists start-up businesses.

888.3—Secondary criteria

Note: These criteria are for applicants seeking to satisfy the secondary criteria. All criteria must be satisfied at the time a decision is made on the application.

888.31—Criteria

888.311

(1) The applicant meets the requirements of subclause (2), (3), (4), (5) or (6).

(2) The applicant meets the requirements of this subclause if the applicant:
  (a) is the member of the family unit of a person (the ***primary applicant***) who holds a Subclass 888 visa granted on the basis of satisfying the primary criteria for the grant of the visa; and
  (b) made a combined application with the primary applicant.

(3) The applicant meets the requirements of this subclause if:
  (a) at the time of the application, the applicant was the spouse or de facto partner of a person (the ***primary applicant***) seeking to satisfy the primary criteria for the grant of a Subclass 888 visa, and the primary applicant has since been granted that visa; and
  (b) the relationship between the primary applicant and the applicant has ceased; and
  (c) one or more of the following has experienced family violence committed by the primary applicant:
    (i) the applicant;

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(ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
(iii) a dependent child of the applicant or of the primary applicant; and

(d) the applicant:
(i) was in Australia at the time the applicant's visa application was made; or
(ii) entered Australia after the applicant's visa application was made.

(4) The applicant meets the requirements of this subclause if:
(a) at the time of the application, the applicant was the spouse or de facto partner of a person (the ***primary applicant***) seeking to satisfy the primary criteria for the grant of a Subclass 888 visa; and
(b) the relationship between the primary applicant and the applicant has ceased; and
(c) one or more of the following has experienced family violence committed by the primary applicant:
(i) the applicant;
(ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
(iii) a dependent child of the applicant or of the primary applicant; and
(d) the applicant:
(i) was in Australia at the time the applicant's visa application was made; or
(ii) entered Australia after the applicant's visa application was made; and
(e) the Minister has decided to refuse to grant the primary applicant the visa for reasons including that the primary applicant had engaged in conduct involving family violence (whether or not the family violence was against a person mentioned in paragraph (c)).

(5) The applicant meets the requirements of this subclause if:
(a) at the time of the application, the applicant was the spouse or de facto partner of a person (the ***primary applicant***) seeking to satisfy the primary criteria for the grant of a Subclass 888 visa; and
(b) the relationship between the primary applicant and the applicant has ceased; and
(c) one or more of the following has experienced family violence committed by the primary applicant:
(i) the applicant;
(ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
(iii) a dependent child of the applicant or of the primary applicant; and
(d) the applicant:
(i) was in Australia at the time the applicant's visa application was made; or
(ii) entered Australia after the applicant's visa application was made; and

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(e) the Minister has decided to refuse to grant the primary applicant the visa for reasons that the primary applicant does not meet the requirements of clause 888.225, 888.232 or 888.242; and

(f) the primary applicant would have met the requirements of the clause had the relationship between the primary applicant and the applicant not ceased.

(6) The applicant meets the requirements of this subclause if:

(a) the applicant is a member of the family unit of a person (the ***secondary applicant***) who meets the requirements of subclause (3), (4) or (5); and

(b) the applicant has made a combined application with the secondary applicant or the primary applicant mentioned in subclause (3), (4) or (5) (whichever applies to the secondary applicant); and

(c) a Subclass 888 visa has since been granted to the secondary applicant.

Note: For special provisions relating to family violence, see Division 1.5.

888.312

(1) The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4007, 4010, 4020 and 4021.

(2) If the applicant had turned 18 at the time of application, the applicant satisfies public interest criterion 4019.

(3) If the applicant has not turned 18, the applicant satisfies public interest criteria 4017 and 4018.

888.313

The applicant satisfies special return criteria 5001, 5002 and 5010.

888.314

(1) This clause applies if the applicant (the ***secondary applicant***) meets the requirements of subclause 888.311(3), (4) or (5).

(2) Each member of the family unit of the secondary applicant who is an applicant for a Subclass 888 visa satisfies:

(a) public interest criteria 4001, 4002, 4003, 4004, 4007, 4010 and 4020; and

(b) special return criteria 5001, 5002 and 5010.

(3) Each member of the family unit of the secondary applicant who is an applicant for a Subclass 888 visa and who has turned 18 at the time of application satisfies public interest criterion 4019.

(4) Public interest criteria 4015 and 4016 are satisfied in relation to each member of the family unit of the secondary applicant who is an applicant for a Subclass 888 visa and who has not turned 18 at the time of decision.

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(5) Each member of the family unit of the secondary applicant who is not an applicant for a Subclass 888 visa:
  (a) satisfies public interest criteria 4001, 4002, 4003 and 4004; and
  (b) satisfies public interest criterion 4007, unless the Minister is satisfied that it would be unreasonable to require the member to undergo assessment in relation to that criterion.

888.4—Circumstances applicable to grant

888.411

The applicant may be in or outside Australia when the visa is granted, but not in immigration clearance.

Note: The second instalment of visa application charge must be paid before the visa can be granted.

888.5—When visa is in effect

888.511

Permanent visa permitting the holder to travel to and enter Australia for 5 years from the date of grant.

888.6—Conditions

888.611

If the applicant is outside Australia when the visa is granted:
  (a) first entry must be made before the date specified by the Minister; and
  (b) if the applicant satisfies the secondary criteria for the grant of the visa, condition 8515 may be imposed.

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Subclass 890—Business Owner

890.1—Interpretation

Note 1: ***AUD***, ***ownership interest*** and ***qualifying business*** are defined in regulation 1.03 and ***main business*** is defined in regulation 1.11.

Note 2: As to beneficial ownership of an asset or ownership interest, see regulation 1.11A.

Note 3: Regulation 1.03 provides that ***member of the family unit*** has the meaning set out in regulation 1.12. Subregulations 1.12(2) and (5) are relevant for applicants for a Business Skills (Residence) (Class DF) visa.

Note 4: There are no interpretation provisions specific to this Part.

890.2—Primary criteria

Note: The primary criteria must be satisfied by at least 1 member of a family unit. The other members of the family unit who are applicants for a visa of this subclass need satisfy only the secondary criteria.

890.21—Criteria to be satisfied at time of application

890.211

(1) The applicant has had, and continues to have, an ownership interest in 1 or more actively operating main businesses in Australia for at least 2 years immediately before the application is made.

(2) For each business to which subclause (1) applies:
  (a) an Australian Business Number has been obtained; and
  (b) all Business Activity Statements required by the Australian Taxation Office (the ***ATO***) for the period mentioned in subclause (1) have been submitted to the ATO and have been included in the application.

890.212

The assets of the applicant, the applicant's spouse or de facto partner, or the applicant and his or her spouse or de facto partner together, in the main business or main businesses in Australia:
  (a) have a net value of at least AUD100 000; and
  (b) had a net value of at least AUD100 000 throughout the period of 12 months ending immediately before the application is made; and
  (c) have been lawfully acquired by the applicant, the applicant's spouse or de facto partner, or the applicant and his or her spouse or de facto partner together.

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890.213

In the 12 months immediately before the application is made, the applicant's main business in Australia, or main businesses in Australia together, had an annual turnover of at least AUD300 000.

890.214

In the period of 12 months ending immediately before the application is made, the main business in Australia, or main businesses in Australia, of the applicant, the applicant's spouse or de facto partner, or the applicant and his or her spouse or de facto partner together:

(a) provided an employee, or employees, with a total number of hours of employment at least equivalent to the total number of hours that would have been worked by 2 full-time employees over that period of 12 months; and

(b) provided those hours of employment to an employee, or employees, who:

(i) were not the applicant or a member of the family unit of the applicant; and

(ii) were Australian citizens, Australian permanent residents or New Zealand passport holders.

890.215

The net value of the business and personal assets in Australia of the applicant, the applicant's spouse or de facto partner, or the applicant and his or her spouse or de facto partner together, is, and has been throughout the 12 months immediately before the application is made, at least AUD250 000.

890.216

Neither the applicant nor his or her spouse or de facto partner (if any) has a history of involvement in business activities that are of a nature that is not generally acceptable in Australia.

890.217

The applicant has been in Australia as the holder of 1 of the visas mentioned in paragraph 1104B(3)(d) of Schedule 1 for a total of at least 1 year in the 2 years immediately before the application is made.

890.22—Criteria to be satisfied at time of decision

890.221

The applicant continues to satisfy the criteria in clauses 890.211, 890.215 and 890.216.

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Clause 890.222

890.222

The applicant:

(a) satisfies public interest criteria 4001, 4002, 4003, 4004, 4007, 4009, 4010, 4020 and 4021; and

(b) if the applicant had turned 18 at the time of application—satisfies public interest criterion 4019.

890.223

(1) Each member of the family unit of the applicant who is an applicant for a Subclass 890 visa is a person who:

(a) satisfies public interest criteria 4001, 4002, 4003, 4004, 4009, 4010 and 4020; and

(b) if the person had turned 18 at the time of application—satisfies public interest criterion 4019.

(2) Each member of the family unit of the applicant who is not an applicant for a Subclass 890 visa satisfies public interest criteria 4001, 4002, 4003, 4004 and 4020.

(3) Each member of the family unit of the applicant who, at the time of the applicant's application, was not the holder of a visa of a subclass included in Business Skills (Provisional) (Class UR) satisfies public interest criterion 4005.

(4) Each member of the family unit of the applicant who, at the time of the applicant's application, was the holder of visa of a subclass included in Business Skills (Provisional) (Class UR) satisfies public interest criterion 4007.

890.224

If a person:

(a) is a member of the family unit of the applicant; and

(b) has not turned 18; and

(c) made a combined application with the applicant;

public interest criteria 4015 and 4016 are satisfied in relation to the person.

890.3—Secondary criteria

Note: The secondary criteria must be satisfied by applicants who are members of the family unit of a person who satisfies the primary criteria.

890.31—Criteria to be satisfied at time of application

890.311

The applicant is a member of the family unit of, and has made a combined application with, a person who satisfies the primary criteria in Subdivision 890.21.

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890.32—Criteria to be satisfied at time of decision

890.321

The applicant is a member of the family unit of a person who:

(a) is the person with whom a combined application was made; and

(b) having satisfied the primary criteria, is the holder of a Subclass 890 visa.

890.322

(1) The applicant:

(a) satisfies public interest criteria 4001, 4002, 4003, 4004, 4009, 4010, 4020 and 4021; and

(b) if the applicant had turned 18 at the time of application—satisfies public interest criterion 4019.

(2) If the applicant, at the time of application, was not the holder of a visa of a subclass included in Business Skills (Provisional) (Class UR), the applicant satisfies public interest criterion 4005.

(3) If the applicant, at the time of application, was the holder of a visa of a subclass included in Business Skills (Provisional) (Class UR), the applicant satisfies public interest criterion 4007.

890.323

If the applicant has not turned 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.

890.4—Circumstances applicable to grant

890.411

(1) If the applicant satisfies the primary criteria, the applicant must be inside Australia, but not in immigration clearance, when the visa is granted.

(2) If the applicant satisfies the secondary criteria, the applicant may be in or outside Australia, but not in immigration clearance, when the visa is granted.

Note: The second instalment of the visa application charge must be paid before the visa can be granted.

890.5—When visa is in effect

890.511

Permanent visa permitting the holder to travel to and enter Australia for 5 years from the date of grant.

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Clause 890.611

890.6—Conditions

890.611

If the applicant is outside Australia when the visa is granted and the applicant satisfies the secondary criteria:

(a) first entry must be made before a date specified by the Minister for the purpose; and

(b) condition 8515 may be imposed.

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Subclass 891—Investor

891.1—Interpretation

891.111

In this Part:

designated investment means an investment in a security specified by the Minister under regulation 5.19A for this Part.

Note 1: ***AUD***, ***fiscal year***, ***ownership interest*** and ***qualifying business*** are defined in regulation 1.03.

Note 2: As to beneficial ownership of an asset or ownership interest, see regulation 1.11A.

Note 3: Regulation 1.03 provides that ***member of the family unit*** has the meaning set out in regulation 1.12. Subregulations 1.12(2) and (5) are relevant for applicants for a Business Skills (Residence) (Class DF) visa.

891.2—Primary criteria

Note: The primary criteria must be satisfied by at least 1 member of a family unit. The other members of the family unit who are applicants for a visa of this subclass need satisfy only the secondary criteria.

891.21—Criteria to be satisfied at time of application

891.211

Neither the applicant nor his or her spouse or de facto partner (if any) has a history of involvement in business or investment activities that are of a nature that is not generally acceptable in Australia.

891.212

The applicant has been in Australia as the holder of a Subclass 162 (Investor (Provisional)) visa for a total of at least 2 years in the 4 years immediately before the application is made.

891.213

The applicant genuinely has a realistic commitment, after the grant of a Subclass 891 visa, to continue to maintain business or investment activity in Australia.

891.22—Criteria to be satisfied at time of decision

891.221

The applicant continues to satisfy the criteria in clauses 891.211 and 891.213.

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Clause 891.222

891.222

The designated investment made by the applicant for the purpose of satisfying a requirement for the grant of a Subclass 162 (Investor (Provisional)) visa has been held continuously in the name of the applicant, or in the names of the applicant and his or her spouse or de facto partner together, for at least 4 years.

891.223

The applicant:

(a) satisfies public interest criteria 4001, 4002, 4003, 4004, 4007, 4009, 4010, 4020 and 4021; and

(b) if the applicant had turned 18 at the time of application—satisfies public interest criterion 4019.

891.224

(1) Each member of the family unit of the applicant who is an applicant for a Subclass 891 visa is a person who:

(a) satisfies public interest criteria 4001, 4002, 4003, 4004, 4009, 4010 and 4020; and

(b) if the person had turned 18 at the time of application—satisfies public interest criterion 4019.

(2) Each member of the family unit of the applicant who is not an applicant for a Subclass 891 visa satisfies public interest criteria 4001, 4002, 4003, 4004 and 4020.

(3) Each member of the family unit of the applicant who, at the time of the applicant's application, was not the holder of a Subclass 162 (Investor (Provisional)) visa satisfies public interest criterion 4005.

(4) Each member of the family unit of the applicant who, at the time of the applicant's application, was the holder of a Subclass 162 (Investor (Provisional)) visa satisfies public interest criterion 4007.

891.225

If a person:

(a) is a member of the family unit of the applicant; and

(b) has not turned 18; and

(c) made a combined application with the applicant;

public interest criteria 4015 and 4016 are satisfied in relation to the person.

891.3—Secondary criteria

Note: These criteria must be satisfied by applicants who are members of the family unit of a person who satisfies the primary criteria.

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891.31—Criteria to be satisfied at time of application

891.311

The applicant is a member of the family unit of, and made a combined application with, a person who satisfies the primary criteria in Subdivision 891.21.

891.32—Criteria to be satisfied at time of decision

891.321

The applicant is a member of the family unit of a person who:

(a) is the person with whom a combined application was made; and

(b) having satisfied the primary criteria, is the holder of a Subclass 891 visa.

891.322

(1) The applicant:

(a) satisfies public interest criteria 4001, 4002, 4003, 4004, 4009, 4010, 4020 and 4021; and

(b) if the applicant had turned 18 at the time of application—satisfies public interest criterion 4019.

(2) If the applicant, at the time of application, was not the holder of a Subclass 162 (Investor (Provisional)) visa, the applicant satisfies public interest criterion 4005.

(3) If the applicant, at the time of application, was the holder of a Subclass 162 (Investor (Provisional)) visa, the applicant satisfies public interest criterion 4007.

891.323

If the applicant has not turned 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.

891.4—Circumstances applicable to grant

891.411

(1) If the applicant satisfies the primary criteria, the applicant must be inside Australia, but not in immigration clearance, when the visa is granted.

(2) If the applicant satisfies the secondary criteria, the applicant may be in or outside Australia, but not in immigration clearance, when the visa is granted.

Note: The second instalment of the visa application charge must be paid before the visa can be granted.

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Clause 891.511

891.5—When visa is in effect

891.511

Permanent visa permitting the holder to travel to and enter Australia for 5 years from the date of grant.

891.6—Conditions

891.611

If the applicant is outside Australia when the visa is granted and the applicant satisfies the secondary criteria:

(a) first entry must be made before a date specified by the Minister for the purpose; and

(b) condition 8515 may be imposed.

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Subclass 892—State/Territory Sponsored Business Owner

892.1—Interpretation

Note 1: ***appropriate regional authority***, ***AUD***, ***ownership interest*** and ***qualifying business*** are defined in regulation 1.03 and ***main business*** is defined in regulation 1.11.

Note 2: As to beneficial ownership of an asset or ownership interest, see regulation 1.11A.

Note 3: Regulation 1.03 provides that ***member of the family unit*** has the meaning set out in regulation 1.12. Subregulations 1.12(2) and (5) are relevant for applicants for a Business Skills (Residence) (Class DF) visa.

Note 4: There are no interpretation provisions specific to this Part.

892.2——Primary criteria

Note: The primary criteria must be satisfied by at least 1 member of a family unit. The other members of the family unit who are applicants for a visa of this subclass need satisfy only the secondary criteria.

892.21—Criteria to be satisfied at time of application

892.211

(1) The applicant has had, and continues to have, an ownership interest in 1 or more actively operating main businesses in Australia for at least 2 years immediately before the application is made.

(2) For each business to which subclause (1) applies:
  (a) an Australian Business Number has been obtained; and
  (b) all Business Activity Statements required by the Australian Taxation Office (the ***ATO***) for the period mentioned in subclause (1) have been submitted to the ATO and have been included in the application.

892.212

Unless the appropriate regional authority has determined that there are exceptional circumstances, the applicant meets at least 2 of the following requirements:
  (a) in the period of 12 months ending immediately before the application is made, the main business in Australia, or main businesses in Australia, of the applicant, the applicant's spouse or de facto partner, or the applicant and his or her spouse or de facto partner together:
    (i) provided an employee, or employees, with a total number of hours of employment at least equivalent to the total number of hours that would have been worked by 1 full-time employee over that period of 12 months; and
    (ii) provided those hours of employment to an employee, or employees, who:

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(A) were not the applicant or a member of the family unit of the applicant; and

(B) were Australian citizens, Australian permanent residents or New Zealand passport holders;

(b) the business and personal assets in Australia of the applicant, the applicant's spouse or de facto partner, or the applicant and his or her spouse or de facto partner together:

(i) have a net value of at least AUD250 000; and

(ii) had a net value of at least AUD250 000 throughout the period of 12 months ending immediately before the application is made; and

(iii) have been lawfully acquired by the applicant, the applicant's spouse or de facto partner, or the applicant and his or her spouse or de facto partner together;

(c) the assets owned by the applicant, the applicant's spouse or de facto partner, or the applicant and his or her spouse or de facto partner together, in the main business or main businesses in Australia:

(i) have a net value of at least AUD75 000; and

(ii) had a net value of at least AUD75 000 throughout the period of 12 months ending immediately before the application is made; and

(iii) have been lawfully acquired by the applicant, the applicant's spouse or de facto partner, or the applicant and his or her spouse or de facto partner together.

892.213

(1) The applicant meets the requirements of subclause (2) or (3).

(2) An applicant meets the requirements of this subclause if, in the 12 months immediately before the application is made, the applicant's main business in Australia, or main businesses in Australia together, had an annual turnover of at least AUD200 000.

(3) An applicant meets the requirements of this subclause if:

(a) the applicant meets at least 2 of the requirements set out in paragraphs 892.212(a), (b) and (c); and

(b) the applicant resides in, and operates the applicant's main business or businesses in Australia in, an area specified in an instrument in writing made by the Minister for this paragraph; and

(c) the appropriate regional authority has determined that there are exceptional circumstances for this subclause.

892.214

Neither the applicant nor his or her spouse or de facto partner (if any) has a history of involvement in business activities that are of a nature that is not generally acceptable in Australia.

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892.215

If the applicant is not the holder of a Skilled—Independent Regional (Provisional) (Class UX) visa, one or more of the following circumstances has existed for a total of at least 1 year in the period of 2 years ending immediately before the application is made:

(a) the applicant has been in Australia as the holder of one of the visas mentioned in paragraph 1104B(3)(f) of Schedule 1;

(b) the applicant has been in Australia as the holder of a Bridging A (Class WA) visa granted on the basis of a valid application for a Temporary Business Entry (Class UC) visa, and a Subclass 457 visa was subsequently granted on the basis of the applicant, or the spouse or de facto partner of the applicant, or former spouse or former de facto partner of the applicant, satisfying subclause 457.223(7A) of Schedule 2;

(c) the applicant has been in Australia as the holder of a Bridging B (Class WB) visa granted on the basis of a valid application for a Temporary Business Entry (Class UC) visa, and a Subclass 457 visa was subsequently granted on the basis of the applicant, or the spouse or de facto partner of the applicant, or former spouse or former de facto partner of the applicant, satisfying subclause 457.223(7A) of Schedule 2.

892.216

If:

(a) the applicant is the holder of a Skilled—Independent Regional (Provisional) (Class UX) visa; or

(b) the last substantive visa held by the applicant since last entering Australia was a Skilled—Independent Regional (Provisional) (Class UX) visa;

the applicant must have lived for at least 2 years in total, as the holder of 1 or more:

(c) Skilled—Independent Regional (Provisional) (Class UX) visas; and

(d) Bridging A (Class WA) visas, or Bridging B (Class WB) visas, granted because the applicant made a valid application for a Skilled—Independent Regional (Provisional) (Class UX) visa;

in a part of Australia that, at the time when a visa mentioned in paragraph (c) or a bridging visa mentioned in paragraph (d) was granted, was specified in an instrument in writing for item 6A1001 of Schedule 6A.

892.216A

If:

(a) the applicant is the holder of a Skilled—Independent Regional (Provisional) (Class UX) visa; or

(b) the last substantive visa held by the applicant since last entering Australia was a Skilled—Independent Regional (Provisional) (Class UX) visa;

the applicant must have worked full time for at least 12 months in total, as the holder of 1 or more:

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(c) Skilled—Independent Regional (Provisional) (Class UX) visas; and
(d) Bridging A (Class WA) visas, or Bridging B (Class WB) visas, granted because the applicant made a valid application for a Skilled—Independent Regional (Provisional) (Class UX) visa;

in a part of Australia that, at the time when a visa mentioned in paragraph (c) or a bridging visa mentioned in paragraph (d) was granted, was specified in an instrument in writing for item 6A1001 of Schedule 6A.

892.217

If:
(a) the applicant is the holder of a Skilled—Independent Regional (Provisional) (Class UX) visa; or
(b) the last substantive visa held by the applicant since last entering Australia was a Skilled—Independent Regional (Provisional) (Class UX) visa;

the applicant has complied with the conditions of that visa.

892.22—Criteria to be satisfied at time of decision

892.221

The applicant:
(a) continues to satisfy the criteria in clauses 892.211 and 892.214; and
(b) if the applicant met the requirements of paragraph 892.212(b), continues to meet those requirements.

892.222

(1) The applicant is sponsored by an appropriate regional authority.

(2) Form 949 is signed by an officer of the authority who is authorised to sign a sponsorship of that kind.

892.223

The applicant:
(a) satisfies public interest criteria 4001, 4002, 4003, 4004, 4007, 4009, 4010, 4020 and 4021; and
(b) if the applicant had turned 18 at the time of application—satisfies public interest criterion 4019.

892.224

(1) Each member of the family unit of the applicant who is an applicant for a Subclass 892 visa is a person who:
(a) satisfies public interest criteria 4001, 4002, 4003, 4004, 4009, 4010 and 4020; and

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(b) if the person had turned 18 at the time of application—satisfies public interest criterion 4019.

(2) Each member of the family unit of the applicant who is not an applicant for a Subclass 892 visa satisfies public interest criteria 4001, 4002, 4003, 4004 and 4020.

(3) Each member of the family unit of the applicant who, at the time of the applicant's application, was not the holder of either:
(a) a visa of a subclass included in Business Skills (Provisional) (Class UR); or
(b) a Subclass 457 (Business (Long Stay)) visa; or
(c) a Skilled—Independent Regional (Provisional) (Class UX) visa;
satisfies public interest criterion 4005.

(4) Each member of the family unit of the applicant who, at the time of the applicant's application, was the holder of:
(a) a visa of a subclass included in Business Skills (Provisional) (Class UR); or
(b) a Subclass 457 (Business (Long Stay)) visa; or
(c) a Skilled—Independent Regional (Provisional) (Class UX) visa;
satisfies public interest criterion 4007.

892.225

If a person:
(a) is a member of the family unit of the applicant; and
(b) has not turned 18; and
(c) made a combined application with the applicant;
public interest criteria 4015 and 4016 are satisfied in relation to the person.

892.3—Secondary criteria

Note: The secondary criteria must be satisfied by applicants who are members of the family unit of a person who satisfies the primary criteria.

892.31—Criteria to be satisfied at time of application

892.311

The applicant is a member of the family unit of, and made a combined application with, a person who satisfies the primary criteria in Subdivision 892.21.

892.312

If:
(a) the applicant is the holder of a Skilled—Independent Regional (Provisional) (Class UX) visa; or

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(b) the last substantive visa held by the applicant since last entering Australia was a Skilled—Independent Regional (Provisional) (Class UX) visa;

the applicant has complied with the conditions of that visa.

892.32—Criteria to be satisfied at time of decision

892.321

The applicant is a member of the family unit of a person who:

(a) is the person with whom a combined application was made; and

(b) having satisfied the primary criteria, is the holder of a Subclass 892 visa.

892.322

(1) The applicant:

(a) satisfies public interest criteria 4001, 4002, 4003, 4004, 4009, 4010, 4020 and 4021; and

(b) if the applicant had turned 18 at the time of application—satisfies public interest criterion 4019.

(2) If the applicant, at the time of application, was not the holder of either:

(a) a visa of a subclass included in Business Skills (Provisional) (Class UR); or

(b) a Subclass 457 (Business (Long Stay)) visa; or

(c) a Skilled—Independent Regional (Provisional) (Class UX) visa;

the applicant satisfies public interest criterion 4005.

(3) If the applicant, at the time of application, was the holder of:

(a) a visa of a subclass included in Business Skills (Provisional) (Class UR); or

(b) a Subclass 457 (Business (Long Stay)) visa; or

(c) a Skilled—Independent Regional (Provisional) (Class UX) visa;

the applicant satisfies public interest criterion 4007.

892.323

If the applicant has not turned 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.

892.4—Circumstances applicable to grant

892.411

If the applicant:

(a) was the holder of a Skilled—Independent Regional (Provisional) (Class UX) visa at the time of application; or

(b) is a member of the family unit of a person who was the holder of a Skilled—Independent Regional (Provisional) (Class UX) visa by reason of

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satisfying the primary criteria for the grant of the visa at the time of application;

the applicant may be in or outside Australia, but not in immigration clearance, when the visa is granted.

892.412

If clause 892.411 does not apply:

(a) if the applicant satisfies the primary criteria, the applicant must be inside Australia, but not in immigration clearance, when the visa is granted; and

(b) if the applicant satisfies the secondary criteria, the applicant may be in or outside Australia, but not in immigration clearance, when the visa is granted.

Note: The second instalment of the visa application charge must be paid before the visa can be granted.

892.5—When visa is in effect

892.511

Permanent visa permitting the holder to travel to and enter Australia for 5 years from the date of grant.

892.6—Conditions

892.611

If the applicant is outside Australia when the visa is granted and the applicant satisfies the secondary criteria:

(a) first entry must be made before a date specified by the Minister for the purpose; and

(b) condition 8515 may be imposed.

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Subclass 893—State/Territory Sponsored Investor

893.1—Interpretation

893.111

In this Part:

designated investment means an investment in a security specified by the Minister under regulation 5.19A for the purposes of this Part.

Note 1: ***appropriate regional authority***, ***AUD***, ***fiscal year***, ***ownership interest*** and ***qualifying business*** are defined in regulation 1.03.

Note 2: As to beneficial ownership of an asset or ownership interest, see regulation 1.11A.

Note 3: Regulation 1.03 provides that ***member of the family unit*** has the meaning set out in regulation 1.12. Subregulations 1.12(2) and (5) are relevant for applicants for a Business Skills (Residence) (Class DF) visa.

893.2—Primary criteria

Note: The primary criteria must be satisfied by at least 1 member of a family unit. The other members of the family unit who are applicants for a visa of this subclass need satisfy only the secondary criteria.

893.21—Criteria to be satisfied at time of application

893.211

Neither the applicant nor his or her spouse or de facto partner (if any) has a history of involvement in business or investment activities that are of a nature that is not generally acceptable in Australia.

893.212

The applicant has been resident, as the holder of a Subclass 165 (State/Territory Sponsored Investor (Provisional)) visa, in the State or Territory in which the appropriate regional authority that sponsors the applicant is located for a total of at least 2 years in the 4 years immediately before the application is made.

893.213

The applicant genuinely has a realistic commitment, after the grant of a Subclass 893 visa, to continue to maintain business or investment activity in Australia.

893.22—Criteria to be satisfied at time of decision

893.221

The applicant continues to satisfy the criteria in clauses 893.211 and 893.213.

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893.222

(1) The applicant is sponsored by an appropriate regional authority.

(2) Form 949 is signed by an officer of the authority who is authorised to sign a sponsorship of that kind.

893.223

The designated investment made by the applicant for the purpose of satisfying a requirement for the grant of a Subclass 165 (State/Territory Sponsored Investor (Provisional)) visa has been held continuously in the name of the applicant, or in the names of the applicant and his or her spouse or de facto partner together, for at least 4 years.

893.224

The applicant:

(a) satisfies public interest criteria 4001, 4002, 4003, 4004, 4007, 4009, 4010, 4020 and 4021; and

(b) if the applicant had turned 18 at the time of application—satisfies public interest criterion 4019.

893.225

(1) Each member of the family unit of the applicant who is an applicant for a Subclass 893 visa is a person who:

(a) satisfies public interest criteria 4001, 4002, 4003, 4004, 4009, 4010 and 4020; and

(b) if the person had turned 18 at the time of application—satisfies public interest criterion 4019.

(2) Each member of the family unit of the applicant who is not an applicant for a Subclass 893 visa satisfies public interest criteria 4001, 4002, 4003, 4004 and 4020.

(3) Each member of the family unit of the applicant who, at the time of the applicant's application, was not the holder of a Subclass 165 (State/Territory Sponsored Investor (Provisional)) visa satisfies public interest criterion 4005.

(4) Each member of the family unit of the applicant who, at the time of the applicant's application, was the holder of a Subclass 165 (State/Territory Sponsored Investor (Provisional)) visa satisfies public interest criterion 4007.

893.226

If a person:

(a) is a member of the family unit of the applicant; and

(b) has not turned 18; and

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(c) made a combined application with the applicant;

public interest criteria 4015 and 4016 are satisfied in relation to the person.

893.3—Secondary criteria

Note: These criteria must be satisfied by applicants who are members of the family unit of a person who satisfies the primary criteria.

893.31—Criteria to be satisfied at time of application

893.311

The applicant is a member of the family unit of, and made a combined application with, a person who satisfies the primary criteria in Subdivision 893.21.

893.32—Criteria to be satisfied at time of decision

893.321

The applicant is a member of the family unit of a person who:

(a) is the person with whom a combined application was made; and

(b) having satisfied the primary criteria, is the holder of a Subclass 893 visa.

893.322

(1) The applicant:

(a) satisfies public interest criteria 4001, 4002, 4003, 4004, 4009, 4010, 4020 and 4021; and

(b) if the applicant had turned 18 at the time of application—satisfies public interest criterion 4019.

(2) If the applicant, at the time of application, was not the holder of a Subclass 165 (State/Territory Sponsored Investor (Provisional)) visa, the applicant satisfies public interest criterion 4005.

(3) If the applicant, at the time of application, was the holder of a Subclass 165 (State/Territory Sponsored Investor (Provisional)) visa, the applicant satisfies public interest criterion 4007.

893.323

If the applicant has not turned 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.

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893.4—Circumstances applicable to grant

893.411

(1) If the applicant satisfies the primary criteria, the applicant must be inside Australia, but not in immigration clearance, when the visa is granted.

(2) If the applicant satisfies the secondary criteria, the applicant may be in or outside Australia, but not in immigration clearance, when the visa is granted.

Note: The second instalment of the visa application charge must be paid before the visa can be granted.

893.5—When visa is in effect

893.511

Permanent visa permitting the holder to travel to and enter Australia for 5 years from the date of grant.

893.6—Conditions

893.611

If the applicant is outside Australia when the visa is granted and the applicant satisfies the secondary criteria:

(a) first entry must be made before a date specified by the Minister for the purpose; and

(b) condition 8515 may be imposed.

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Subclass 988—Maritime Crew

Note: This Subclass is created in accordance with section 38B of the Act.

988.1—Interpretation

Note 1: ***Member of the crew*** and ***non-military ship*** are defined in regulation 1.03.

Note 2: For this Part, a person will sign on to a ship in Australia after:
(a) travelling to Australia on another visa in order to join a ship as a member of the crew; or
(b) joining the ship in Australia after signing off another ship in Australia; or
(c) joining another ship after the ship on which the person travelled to Australia is imported under section 49A or 71A of the *Customs Act 1901*.

988.2—Primary criteria

Note: A member of the family unit of a member of the crew of a non-military ship, or of a prospective member of the crew of a non-military ship, need satisfy only the secondary criteria.

988.21—Criteria to be satisfied at time of application

988.211

The applicant is:
(a) a member of the crew of a non-military ship; or
(b) a person:
(i) who has received an offer from the master, owner, agent, charterer or operator of a non-military ship to become a member of the crew of the ship; and
(ii) in relation to whom the offer is current; and
(iii) who would be a member of the crew of the non-military ship if the person signs on to the ship.

988.22—Criteria to be satisfied at time of decision

988.221

The applicant is:
(a) a member of the crew of a non-military ship; or
(b) a person:
(i) who has received an offer from the master, owner, agent, charterer or operator of a non-military ship to become a member of the crew of the ship; and
(ii) in relation to whom the offer is current; and
(iii) who would be a member of the crew of the non-military ship if the person signs on to the ship.

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988.222

The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4013, 4014, 4020 and 4021.

988.223

The applicant satisfies special return criteria 5001 and 5002.

988.224

The Minister is satisfied that the applicant's expressed intention to enter and remain in Australia for the purpose of being a member of the crew of a non-military ship is genuine.

988.3—Secondary criteria

Note: These criteria must be satisfied by a member of the family unit of a member of the crew of a non-military ship, or of a prospective member of the crew of a non-military ship.

988.31—[No criteria to be satisfied at time of application]

988.32—Criteria to be satisfied at time of decision

988.321

The applicant is a member of the family unit of a person who is the holder of a Subclass 988 visa on the basis of having satisfied the primary criteria for the grant of the visa.

988.322

The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4013, 4014, 4020 and 4021.

988.323

The applicant satisfies special return criteria 5001 and 5002.

988.4—Circumstances applicable to grant

988.411

The applicant may be in or outside Australia when the visa is granted.

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Clause 988.511

988.5—When visa is in effect

988.511

Temporary visa coming into effect on grant.

988.512

The visa ceases to be in effect:

(a) on the occurrence of the earliest of the circumstances mentioned in an item in the following table; and

(b) at the time mentioned in the item:

Item	Circumstances	Time at which the visa ceases to have effect
1	Both of the following apply: (a) the holder has entered Australia otherwise than as: (i) a member of the crew serving on a non-military ship; or (ii) a member of the family unit of a member of the crew serving on a non-military ship; (b) the holder has not signed on to a non-military ship as a member of the crew, or as a member of the family unit of a member of the crew, before the latest of: (i) 5 days after the day on which the holder last entered Australia; and (ii) if the holder last entered Australia for health or safety reasons that required the holder to enter Australia—30 days after the day on which the holder last entered Australia; and (iii) if the holder holds another visa that is in effect—the day on which that other visa ceases	The end of the day or period worked out under paragraph (b) in column 2
2	Each of the following applies: (a) the holder has entered Australia; (b) the non-military ship in relation to which the holder is: (i) a member of the crew; or (ii) a member of the family unit of a member of the crew; has been imported under section 49A of the *Customs Act 1901* or entered for home consumption under section 71A of that Act but is not registered in the Australian International Shipping Register; (c) the holder has not signed on to another non-military ship as a member of the crew, or as a member of the family unit of a member of the crew before the end of the longer of the following periods that applies to the person:	The end of the day or the longest period worked out under paragraph (c) or (d) in column 2

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Item	Circumstances	Time at which the visa ceases to have effect
	(i) 5 days after the day on which the non-military ship was imported or entered for home consumption; (ii) if an authorised officer decides, within those 5 days, to allow the person a longer period of up to 30 days after the day on which the non-military ship was imported or entered for home consumption—that longer period (d) the person has not departed Australia before the end of the longest of the following periods that applies to the person: (i) 5 days after the day on which the non-military ship was imported or entered for home consumption; (ii) if an authorised officer decides, within those 5 days, to allow the person a longer period of up to 30 days after the day on which the non-military ship was imported or entered for home consumption—that longer period; (iii) if the holder holds another visa that is in effect—the day on which that other visa ceases	
2A	Each of the following applies: (a) the holder has entered Australia; (b) the non-military ship in relation to which the holder is: (i) a member of the crew; or (ii) a member of the family unit of a member of the crew; has been imported under section 49A of the *Customs Act 1901* or entered for home consumption under section 71A of that Act; (c) the non-military ship was registered in the Australian International Shipping Register when the ship was imported or entered for home consumption; (d) the non-military ship ceases to be registered in that Register; (e) the holder has not signed on to another non-military ship as a member of the crew, or as a member of the family unit of a member of the crew, before the end of the longer of the following periods that applies to the person: (i) 5 days after the day on which the non-military ship ceases to be registered in the Australian International Shipping Register; (ii) if an authorised officer decides, within those 5 days, to allow the person a longer period of up to 30 days after the day on which the non-military ship ceases to be registered in that Register—that longer period; (f) the person has not departed Australia before the end of the longest of the following periods that applies to the person: (i) 5 days after the day on which the non-military ship ceases to be registered in the Australian International Shipping Register;	The end of the day or the longest period worked out under paragraph (e) or (f) in column 2

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Clause 988.512

Item	Circumstances	Time at which the visa ceases to have effect
	(ii) if an authorised officer decides, within those 5 days, to allow the person a longer period of up to 30 days after the day on which the non-military ship ceases to be registered in that Register—that longer period; (iii) if the holder holds another visa that is in effect—the day on which that other visa ceases	
3	Each of the following applies: (a) the holder has entered Australia; (b) the holder has signed off a non-military ship as: (i) a member of the crew of the non-military ship; or (ii) a member of the family unit of a member of the crew of a non-military ship; (c) the holder has not signed on to another non-military ship as a member of the crew or a member of the family unit of a member of the crew before the end of the longer of the following periods that applies to the person: (i) 5 days after the day on which the holder signed off the last ship; (ii) if an authorised officer decides, within those 5 days, to allow the person a longer period of up to 30 days after the day on which the holder last entered Australia—that longer period; (d) the holder has not departed Australia before the end of the longest of the following periods that applies to the person: (i) 5 days after the day on which the holder signed off the last ship; (ii) if an authorised officer decides, within those 5 days, to allow the person a longer period of up to 30 days after the day on which the holder last entered Australia—that longer period; (iii) if the holder holds another visa that is in effect—the day on which that other visa ceases	The end of the day or the longest period worked out under paragraph (c) or (d) in column 2
4	The end of a continuous period of 3 years starting when the visa is granted	At the end of the period of 3 years
5	Both of the following apply: (a) the holder is a person who satisfied the secondary criteria for the grant of the visa; (b) the maritime crew visa granted to the person who satisfied the primary criteria for the grant of the visa ceases to be in effect	The end of the day on which the maritime crew visa granted to the holder who satisfied the primary criteria ceases to be in effect
6	Both of the following apply: (a) the holder also holds another visa; (b) the other visa is cancelled otherwise than under section 501, 501A or 501B of the Act	At the end of the day on which the other visa is cancelled

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988.6—Conditions

988.611

For an applicant who satisfies the primary criteria, condition 8113.

988.612

For an applicant who satisfies the secondary criteria, condition 8101.

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Subclass 995—Diplomatic (Temporary)

995.1—Interpretation

995.111

In this Part:

international representative means a representative of an international organisation.

995.2—Primary criteria

Note: The primary criteria must be satisfied by at least 1 person. Other accompanying applicants for a visa of this subclass need satisfy only the secondary criteria.

995.21—[No criteria to be satisfied at time of application]

995.22—Criteria to be satisfied at time of decision.

995.221

The Foreign Minister has recommended in writing to the Minister that the visa be granted to the applicant on the basis of the applicant being:

(a) a diplomatic or consular representative; or

(b) an international representative.

995.222

The applicant satisfies public interest criterion 4021.

995.3—Secondary criteria

995.31—[No criteria to be satisfied at time of application]

995.32—Criteria to be satisfied at time of decision

995.321

The Foreign Minister has recommended in writing to the Minister that the visa be granted to the applicant to accompany a person (the primary applicant) who seeks to satisfy the primary criteria.

995.322

The primary applicant has satisfied the criteria for the grant of a visa as a primary applicant.

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995.323

The applicant satisfies public interest criterion 4021.

995.4—Circumstances applicable to grant

995.411

Applicant may be in the migration zone or outside Australia.

995.5—When visa is in effect

995.511

Temporary visa permitting the holder:

(a) to travel to and enter Australia until a date specified by the Minister for the purpose; and

(b) to remain in Australia:

(i) if the visa was issued on the basis of the holder satisfying the primary criteria for the grant of the visa—for the duration of the holder's status as:

(A) a diplomatic or consular representative in Australia of a country other than Australia; or

(B) an international representative; or

(ii) if the visa was issued on the basis of the holder satisfying the secondary criteria for the grant of the visa—for the duration of the status of the person who satisfied the primary criteria as:

(A) a diplomatic or consular representative in Australia of a country other than Australia; or

(B) an international representative; or

(iii) in any case—until an earlier date specified by the Minister.

995.6—Conditions

995.611

If the applicant satisfies the primary criteria, condition 8516.

995.612

If the applicant satisfies the secondary criteria, conditions 8502 and 8516.

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Schedule 3—Additional criteria applicable to unlawful non-citizens and certain bridging visa holders

(regulation 1.03)

3001 (1) The application is validly made within 28 days after the relevant day (within the meaning of subclause (2)).

(2) For the purposes of subclause (1) and of clause 3002, the relevant day, in relation to an applicant, is:

(a) if the applicant held an entry permit that was valid up to and including 31 August 1994 but has not subsequently been the holder of a substantive visa—1 September 1994; or

(b) if the applicant became an illegal entrant before 1 September 1994 (whether or not clause 6002 in Schedule 6 of the Migration (1993) Regulations applied or section 195 of the Act applies) and has not, at any time on or after 1 September 1994, been the holder of a substantive visa—the day when the applicant last became an illegal entrant; or

(c) if the applicant:

(i) ceased to hold a substantive or criminal justice visa on or after 1 September 1994; or

(ii) entered Australia unlawfully on or after 1 September 1994;

whichever is the later of:

(iii) the last day when the applicant held a substantive or criminal justice visa; or

(iv) the day when the applicant last entered Australia unlawfully; or

(d) if the last substantive visa held by the applicant was cancelled, and the ART has made a decision to set aside and substitute the cancellation decision or the Minister's decision not to revoke the cancellation—the later of the day when that last substantive visa ceased to be in effect and the day when:

(i) if the ART's decision is given to the applicant orally—the applicant is taken, under subsection 368(7) of the Act, to have been notified of the decision; or

(ii) otherwise—the applicant is taken, under section 379C of the Act, to have received the notification of the ART's decision.

3002 The application is validly made within 12 months after the relevant day (within the meaning of subclause 3001(2)).

3003 If:

(a) the applicant has not, on or after 1 September 1994, been the holder of a substantive visa; and

(b) on 31 August 1994, the applicant was either:

(i) an illegal entrant; or

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(ii) the holder of an entry permit that was not valid beyond 31 August 1994;

the Minister is satisfied that:

(c) the applicant last became an illegal entrant, or, in the case of a person referred to in subparagraph (b)(ii), last became a person in Australia without a substantive visa, because of factors beyond the applicant's control; and

(d) there are compelling reasons for granting the visa; and

(e) the applicant has complied substantially with the conditions that apply or applied to:

(i) the last of any entry permits held by the applicant (other than a condition of which the applicant was in breach solely because of the expiry of the entry permit); and

(ii) any subsequent bridging visa; and

(f) the applicant would have been entitled to be granted an entry permit equivalent to a visa of the class applied for if the applicant had applied for the entry permit immediately before last becoming an illegal entrant or, in the case of a person referred to in subparagraph (b)(ii), if the applicant had applied for the entry permit on 31 August 1994; and

(g) the applicant intends to comply with any conditions subject to which the visa is granted; and

(h) the last entry permit (if any) held by the applicant was not granted subject to a condition that the holder would not, after entering Australia, be entitled to be granted an entry permit, or a further entry permit, while the holder remained in Australia.

3004 If the applicant:

(a) ceased to hold a substantive or criminal justice visa on or after 1 September 1994; or

(b) entered Australia unlawfully on or after 1 September 1994 and has not subsequently been granted a substantive visa;

the Minister is satisfied that:

(c) the applicant is not the holder of a substantive visa because of factors beyond the applicant's control; and

(d) there are compelling reasons for granting the visa; and

(e) the applicant has complied substantially with:

(i) the conditions that apply or applied to:

(A) the last of any entry permits held by the applicant (other than a condition of which the applicant was in breach solely because of the expiry of the entry permit); and

(B) any subsequent bridging visa; or

(ii) the conditions that apply or applied to:

(A) the last of any substantive visas held by the applicant (other than a condition of which the applicant was in breach solely because the visa ceased to be in effect); and

(B) any subsequent bridging visa; and

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(f) either:
  (i) in the case of an applicant referred to in paragraph (a)—the applicant would have been entitled to be granted a visa of the class applied for if the applicant had applied for the visa on the day when the applicant last held a substantive or criminal justice visa; or
  (ii) in the case of an applicant referred to in paragraph (b)—the applicant would have satisfied the criteria (other than any Schedule 3 criteria) for the grant of a visa of the class applied for on the day when the applicant last entered Australia unlawfully; and

(g) the applicant intends to comply with any conditions subject to which the visa is granted; and

(h) if the last visa (if any) held by the applicant was a transitional (temporary) visa, that visa was not subject to a condition that the holder would not, after entering Australia, be entitled to be granted an entry permit, or a further entry permit, while the holder remained in Australia.

3005 A visa or entry permit has not previously been granted to the applicant on the basis of the satisfaction of any of the criteria set out in:

(a) this Schedule; or

(b) Schedule 6 of the Migration (1993) Regulations; or

(c) regulation 35AA or subregulation 42(1A) or (1C) of the Migration (1989) Regulations.

Note: Section 10 of the Act provides that a child who was born in the migration zone and was a non-citizen when he or she was born shall be taken to have entered Australia when he or she was born.

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Schedule 4—Public interest criteria and related provisions

(regulation 1.03)

Part 1—Public interest criteria

4001 Either:

(a) the person satisfies the Minister that the person passes the character test; or

(b) the Minister is satisfied, after appropriate inquiries, that there is nothing to indicate that the person would fail to satisfy the Minister that the person passes the character test; or

(c) the Minister has decided not to refuse to grant a visa to the person despite reasonably suspecting that the person does not pass the character test; or

(d) the Minister has decided not to refuse to grant a visa to the person despite not being satisfied that the person passes the character test.

4002 The applicant is not assessed by the Australian Security Intelligence Organisation to be directly or indirectly a risk to security, within the meaning of section 4 of the *Australian Security Intelligence Organisation Act 1979*.

4003 The applicant:

(a) is not determined by the Foreign Minister, or a person authorised by the Foreign Minister, to be a person whose presence in Australia is, or would be, contrary to Australia's foreign policy interests; and

(b) is not determined by the Foreign Minister, or a person authorised by the Foreign Minister, to be a person whose presence in Australia may be directly or indirectly associated with the proliferation of weapons of mass destruction; and

(c) either:

(i) is not declared under paragraph 6(b) or 6A(1)(b), (2)(b), (4)(b), (5)(b), (8)(b) or (9)(b) of the *Autonomous Sanctions Regulations 2011* for the purpose of preventing the person from travelling to, entering or remaining in Australia; or

(ii) if the applicant is declared—is a person for whom the Foreign Minister has waived the operation of the declaration in accordance with regulation 19 of the *Autonomous Sanctions Regulations 2011*.

4003A The applicant is not determined by the Foreign Minister, or a person authorised by the Foreign Minister, to be a person whose presence in Australia may be directly or indirectly associated with the proliferation of weapons of mass destruction.

4003B The Minister has not determined that there is an unreasonable risk of an unwanted transfer of critical technology by the applicant.

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4004 The applicant does not have outstanding debts to the Commonwealth unless the Minister is satisfied that appropriate arrangements have been made for payment.

4005 (1) The applicant:

(aa) if the applicant is in a class of persons specified by the Minister in an instrument in writing for this paragraph:

(i) must undertake any medical assessment specified in the instrument; and

(ii) must be assessed by the person specified in the instrument;

unless a Medical Officer of the Commonwealth decides otherwise; and

(ab) must comply with any request by a Medical Officer of the Commonwealth to undertake a medical assessment; and

(a) is free from tuberculosis; and

(b) is free from a disease or condition that is, or may result in the applicant being, a threat to public health in Australia or a danger to the Australian community; and

(c) is, unless the applicant is a minor born in Australia and is ordinarily resident in Australia, free from a disease or condition in relation to which:

(i) a person who has it would be likely to:

(A) require health care or community services; or

(B) meet the medical criteria for the provision of a community service;

during the period described in subclause (2); and

(ii) the provision of the health care or community services would be likely to:

(A) result in a significant cost to the Australian community in the areas of health care and community services; or

(B) prejudice the access of an Australian citizen or permanent resident to health care or community services;

regardless of whether the health care or community services will actually be used in connection with the applicant; and

(d) if the applicant is a person from whom a Medical Officer of the Commonwealth has requested a signed undertaking to present himself or herself to a health authority in the State or Territory of intended residence in Australia for a follow-up medical assessment—has provided the undertaking.

(2) For subparagraph (1)(c)(i), the period is:

(a) for an application for a permanent visa—the period commencing when the application is made; or

(b) for an application for a temporary visa:

(i) the period for which the Minister intends to grant the visa; or

(ii) if the visa is of a subclass specified by the Minister in an instrument in writing for this subparagraph—the period commencing when the application is made.

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(3) If:

(a) the applicant applies for a temporary visa; and

(b) the subclass being applied for is not specified by the Minister in an instrument in writing made for subparagraph (2)(b)(ii);

the reference in sub-subparagraph (1)(c)(ii)(A) to health care and community services does not include the health care and community services specified by the Minister in an instrument in writing made for this subclause.

4007 (1) The applicant:

(aa) if the applicant is in a class of persons specified by the Minister in an instrument in writing for this paragraph:

(i) must undertake any medical assessment specified in the instrument; and

(ii) must be assessed by the person specified in the instrument;

unless a Medical Officer of the Commonwealth decides otherwise; and

(ab) must comply with any request by a Medical Officer of the Commonwealth to undertake a medical assessment; and

(a) is free from tuberculosis; and

(b) is free from a disease or condition that is, or may result in the applicant being, a threat to public health in Australia or a danger to the Australian community; and

(c) subject to subclause (2)—is, unless the applicant is a minor born in Australia and is ordinarily resident in Australia, free from a disease or condition in relation to which:

(i) a person who has it would be likely to:

(A) require health care or community services; or

(B) meet the medical criteria for the provision of a community service;

during the period described in subclause (1A); and

(ii) the provision of the health care or community services would be likely to:

(A) result in a significant cost to the Australian community in the areas of health care and community services; or

(B) prejudice the access of an Australian citizen or permanent resident to health care or community services;

regardless of whether the health care or community services will actually be used in connection with the applicant; and

(d) if the applicant is a person from whom a Medical Officer of the Commonwealth has requested a signed undertaking to present himself or herself to a health authority in the State or Territory of intended residence in Australia for a follow-up medical assessment—has provided the undertaking.

(1A) For subparagraph (1)(c)(i), the period is:

(a) for an application for a permanent visa—the period commencing when the application is made; or

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(b) for an application for a temporary visa:
(i) the period for which the Minister intends to grant the visa; or
(ii) if the visa is of a subclass specified by the Minister in an instrument in writing for this subparagraph—the period commencing when the application is made.

(1B) If:
(a) the applicant applies for a temporary visa; and
(b) the subclass being applied for is not specified by the Minister in an instrument in writing made for subparagraph (1A)(b)(ii);
the reference in sub-subparagraph (1)(c)(ii)(A) to health care and community services does not include the health care and community services specified by the Minister in an instrument in writing made for this subclause.

(2) The Minister may waive the requirements of paragraph (1)(c) if:
(a) the applicant satisfies all other criteria for the grant of the visa applied for; and
(b) the Minister is satisfied that the granting of the visa would be unlikely to result in:
(i) undue cost to the Australian community; or
(ii) undue prejudice to the access to health care or community services of an Australian citizen or permanent resident.

4009 The applicant:
(a) intends to live permanently in Australia; and
(b) if the applicant seeks entry to Australia as a member of a family unit, also satisfies the Minister that the applicant could obtain support in Australia from other members of the family unit.

4010 If the applicant seeks to remain in Australia permanently, or temporarily for longer than 12 months, the applicant is likely to become established in Australia without undue personal difficulty and without imposing undue difficulties or costs on the Australian community.

4011 (1) If the applicant is affected by the risk factor specified in subclause (2), the applicant satisfies the Minister that, having regard to the applicant's circumstances in the applicant's country of usual residence, there is very little likelihood that the applicant will remain after the expiry of any period during which the applicant might be authorised to remain after entry.

(2) An applicant is affected by the risk factor referred to in subclause (1) if:
(a) during the period of 5 years immediately preceding the application, the applicant has applied for a visa for the purpose of permanent residence in Australia; or
(b) the applicant has all the characteristics of a class of persons specified in a legislative instrument made by the Minister for the purposes of this paragraph.

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(2A) In specifying a class of persons for the purposes of paragraph (2)(b), the Minister must have regard to statistics prepared by the Secretary:

(a) from movement records kept by Immigration about persons who have remained in Australia after expiry of the period during which each person was authorised to remain in Australia under the visa with which he or she last entered Australia; and

(b) having regard to one or more of the characteristics mentioned in subclause (3).

(3) For the purposes of paragraph (2)(b), a characteristic is any of the following:

(a) nationality;

(b) marital or relationship status;

(c) age;

(d) sex;

(e) occupation;

(f) the class of visa currently applied for;

(g) the place of lodgment or posting of the application for that visa.

4012 In the case of an applicant:

(a) who has not turned 18; and

(b) whose intended stay in Australia will not be in the company of either or both of his or her parents or guardians; and

(c) whose application expresses an intention to visit, or stay with, a person in Australia who is not a relative of the applicant; and

(d) who is not a member of an organised tour and for whom no adequate maintenance and support arrangements have been made for the total period of stay in Australia;

an undertaking to provide accommodation for, and to be responsible for the support and general welfare of, the applicant during the applicant's stay in Australia is given to the Minister by a person who, in the reasonable belief of the Minister, is of good character.

4012A In the case of an applicant who has not turned 18:

(a) the application expresses a genuine intention to reside in Australia with a person who:

(i) is a parent of the applicant or a person who has custody of the applicant; or

(ii) is:

(A) a relative of the applicant; and

(B) nominated by a parent of the applicant or a person who has custody of the applicant; and

(C) aged at least 21; and

(D) of good character; or

(b) a signed statement is given to the Minister by the education provider for the course in which the applicant is enrolled confirming that appropriate arrangements have been made for the applicant's accommodation, support

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and general welfare for at least the minimum period of enrolment stated on the applicant's:

(i) confirmation of enrolment; or

(ii) AASES form;

plus 7 days after the end of that period; or

(c) if the applicant is a Foreign Affairs student or a Defence student, appropriate arrangements for the applicant's accommodation, support and general welfare have been approved by:

(i) in the case of a Foreign Affairs student—the Foreign Minister; and

(ii) in the case of a Defence student—the Defence Minister.

4013 (1) If the applicant is affected by a risk factor mentioned in subclause (1A), (2), (2A) or (3):

(a) the application is made more than 3 years after the cancellation of the visa or the determination of the Minister, as the case may be, referred to in the subclause that relates to the applicant; or

(b) the Minister is satisfied that, in the particular case:

(i) compelling circumstances that affect the interests of Australia; or

(ii) compassionate or compelling circumstances that affect the interests of an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen;

justify the granting of the visa within 3 years after the cancellation or determination.

(1A) A person is affected by a risk factor if a visa previously held by the person was cancelled:

(a) under section 109, paragraph 116(1)(d), subsection 116(1AA) or (1AB) or section 133A of the Act; or

(b) under section 128 of the Act because the Minister was satisfied that the ground mentioned in paragraph 116(1)(d) of the Act applied to the person; or

(c) under section 133C of the Act because the Minister was satisfied that the ground mentioned in paragraph 116(1)(d) or subsection 116(1AA) or (1AB) of the Act applied to the person.

(2) A person is affected by a risk factor if a visa previously held by the person was cancelled under section 116, 128 or 133C of the Act:

(a) because the person was found by Immigration to have worked without authority; or

(b) if the visa was of a subclass specified in Part 2 of this Schedule—because the person did not comply with a condition specified in that Part in relation to that subclass; or

(c) if the visa was a Subclass 773 (Border) visa and, at the time of grant of the visa, the person was apparently eligible for a substantive visa of a subclass specified in Part 2 of this Schedule—because the person did not comply with a condition specified in that Part in relation to that subclass of substantive visa; or

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(ca) because the person held a student visa and the Minister was satisfied that a ground mentioned in paragraph 116(1)(fa) of the Act applied to the person; or

(d) because the Minister was satisfied that a ground prescribed by paragraph 2.43(1)(ea), (i), (ia), (j), (k), (ka), (kb), (kc), (m), (na), (o), (oa), (ob), (s) or (t) applied to the person.

(2A) A person is affected by a risk factor if a visa previously held by the person was cancelled under section 137J of the Act.

(3) A person is affected by a risk factor if a visa previously held by the person was cancelled because the Minister was satisfied that a ground mentioned in paragraph 116(1)(e) of the Act applied to the person.

4014 (1) If the applicant is affected by the risk factor specified in subclause (4):

(a) the application is made more than 3 years after the departure of the person from Australia referred to in that subclause; or

(b) the Minister is satisfied that, in the particular case:

(i) compelling circumstances that affect the interests of Australia; or

(ii) compassionate or compelling circumstances that affect the interests of an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen;

justify the granting of the visa within 3 years after the departure.

(4) Subject to subclause (5), a person is affected by a risk factor if the person left Australia as:

(a) an unlawful non-citizen; or

(b) the holder of a Bridging C (Class (WC), Bridging D (Class WD) or Bridging E (Class WE) visa.

(5) Subclause (4) does not to apply to a person if:

(a) the person left Australia within 28 days after a substantive visa held by the person ceased to be in effect; or

(b) a bridging visa held by the person at the time of departure was granted:

(i) within 28 days after a substantive visa held by the person ceased to be in effect; or

(ii) while the person held another bridging visa granted:

(A) while the person held a substantive visa; or

(B) within 28 days after a substantive visa held by the person ceased to be in effect.

4015 The Minister is satisfied of 1 of the following:

(a) the law of the additional applicant's home country permits the removal of the additional applicant;

(b) each person who can lawfully determine where the additional applicant is to live consents to the grant of the visa;

(c) the grant of the visa would be consistent with any Australian child order in force in relation to the additional applicant.

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4016 The Minister is satisfied that there is no compelling reason to believe that the grant of the visa would not be in the best interests of the additional applicant.

4017 The Minister is satisfied of 1 of the following:

(a) the law of the applicant's home country permits the removal of the applicant;

(b) each person who can lawfully determine where the applicant is to live consents to the grant of the visa;

(c) the grant of the visa would be consistent with any Australian child order in force in relation to the applicant.

4018 The Minister is satisfied that there is no compelling reason to believe that the grant of the visa would not be in the best interests of the applicant.

4019 (1) The applicant has signed a statement (a ***values statement***) in accordance with Part 3.

Note: Part 3 sets out further provisions relating to values statements and the requirements for this criterion.

(2) However, if compelling circumstances exist, the Minister may decide that the applicant is not required to satisfy subclause (1).

4020 (1) There is no evidence before the Minister that the applicant has given, or caused to be given, to the Minister, an officer, the ART during the review of a reviewable migration decision, a relevant assessing authority or a Medical Officer of the Commonwealth, a bogus document or information that is false or misleading in a material particular in relation to:

(a) the application for the visa; or

(b) a visa that the applicant held in the period of 12 months before the application was made.

(2) The Minister is satisfied that during the period:

(a) starting 3 years before the application was made; and

(b) ending when the Minister makes a decision to grant or refuse to grant the visa;

the applicant and each member of the family unit of the applicant has not been refused a visa because of a failure to satisfy the criteria in subclause (1).

(2AA) However, subclause (2) does not apply to the applicant if, at the time the application for the refused visa was made, the applicant was under 18.

(2A) The applicant satisfies the Minister as to the applicant's identity.

(2B) The Minister is satisfied that during the period:

(a) starting 10 years before the application was made; and

(b) ending when the Minister makes a decision to grant or refuse to grant the visa;

neither the applicant, nor any member of the family unit of the applicant, has been refused a visa because of a failure to satisfy the criteria in subclause (2A).

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(2BA) However, subclause (2B) does not apply to the applicant if, at the time the application for the refused visa was made, the applicant was under 18.

(3) To avoid doubt, subclauses (1) and (2) apply whether or not the Minister became aware of the bogus document or information that is false or misleading in a material particular because of information given by the applicant.

(4) The Minister may waive the requirements of any or all of paragraphs (1)(a) or (b) and subclause (2) if satisfied that:

(a) compelling circumstances that affect the interests of Australia; or

(b) compassionate or compelling circumstances that affect the interests of an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen;

justify the granting of the visa.

(5) In this clause:

information that is false or misleading in a material particular means information that is:

(a) false or misleading at the time it is given; and

(b) relevant to any of the criteria the Minister may consider when making a decision on an application, whether or not the decision is made because of that information.

Note: For the definition of ***bogus document***, see subsection 5(1) of the Act.

4021 Either:

(a) the applicant holds a valid passport that:

(i) was issued to the applicant by an official source; and

(ii) is in the form issued by the official source; and

(iii) is not in a class of passports specified by the Minister in an instrument in writing for this clause; or

(b) it would be unreasonable to require the applicant to hold a passport.

4022 Either:

(a) the applicant has signed a code of behaviour that:

(i) has been approved by the Minister in accordance with Part 4; and

(ii) is in effect for the subclass of visa; or

(b) the Minister does not require the applicant to sign a code of behaviour that is in effect for the subclass of visa.

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Part 2—Conditions applicable to certain subclasses of visas for the purposes of subclause 4013(2)

Column 1 Item	Column 2 Visa Subclass	Column 3 Conditions
4050	405 (Investor Retirement)	8104
4051	410 (Retirement)	8101 or 8104
4055AAA	402 (Training and Research)	8102, 8103, 8501, 8531 or 8536
4055AB	488 (Superyacht Crew)	8107 or 8114
4056	500 (Student)	8104, 8105, 8202, 8501, 8517 or 8518
4058A	570 (Independent ELICOS Sector)	8101, 8104, 8105, 8202, 8501, 8517 or 8518
4058B	571 (Schools Sector)	8101, 8104, 8105, 8202, 8501, 8517 or 8518
4058C	572 (Vocational Education and Training Sector)	8101, 8104, 8105, 8202, 8501, 8517 or 8518
4058D	573 (Higher Education Sector)	8101, 8104, 8105, 8202, 8501, 8517 or 8518
4058E	574 (Postgraduate Research Sector) 574 (Masters and Doctorate Sector)	8101, 8104, 8105, 8202, 8501, 8517 or 8518
4058F	575 (Non-Award Sector) 575 (Non-award Foundation/Other Sector)	8101, 8104, 8105, 8202, 8501, 8517 or 8518
4058G	576 (Foreign Affairs or Defence Sector)	8101, 8104, 8105, 8202, 8501, 8517 or 8518
4058GA	602 (Medical Treatment)	8101 or 8201
4058H	651 (eVisitor)	8101, 8115 or 8201
4064	675 (Medical Treatment (Short Stay))	8101 or 8201
4065A	676 (Tourist)	8101, 8201 or 8558
4065B	600 (Visitor)	8101, 8115, 8201 and 8558
4070	685 (Medical)	8101 or 8201
4072	771 (Transit)	8101 or 8201
4073	956 (Electronic Travel Authority (Business Entrant—Long Validity))	8201
4074	976 (Electronic Travel Authority (Visitor))	8101 or 8201
4075	977 (Electronic Travel Authority (Business Entrant—Short Validity))	8201
4076	601 (Electronic Travel Authority)	8115 and 8201

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Part 3—Requirements for public interest criterion 4019

3.1 Values statement

Statement

(1) For public interest criterion 4019, the Minister must, by instrument in writing, approve one or more values statements for the subclasses of visas specified in the instrument.

(2) A values statement must include provisions relating to:
  (a) values that are important to Australian society; and
  (b) matters concerning Australian citizenship (if relevant); and
  (c) compliance with the laws of Australia.

(3) A values statement may include other provisions.

Signing values statement—Internet application

(4) For public interest criterion 4019, a values statement is taken to have been signed by an applicant who makes an Internet application if the instructions for signing the values statement are followed.

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Part 4—Requirements for public interest criterion 4022

4.1 Code of behaviour

For public interest criterion 4022, the Minister must, by instrument in writing, approve one or more written codes of behaviour for the subclasses of visas specified in the instrument.

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Schedule 5—Special return criteria

(regulation 1.03)

5001 The applicant is not:

(a) a person who left Australia while the subject of a deportation order under:

(i) section 200 of the Act; or

(ii) section 55, 56 or 57 of the Act as in force on and after 19 December 1989 but before 1 September 1994; or

(iii) section 12, 13 or 14 of the Act as in force before 19 December 1989; or

(b) a person whose visa has been cancelled under section 501 of the Act, as in force before 1 June 1999, wholly or partly because the Minister, having regard to the person's past criminal conduct, was satisfied that the person is not of good character; or

(c) a person whose visa has been cancelled under section 501, 501A or 501B of the Act, if:

(i) the cancellation has not been revoked under subsection 501C(4) or 501CA(4) of the Act; or

(ii) after cancelling the visa, the Minister has not, acting personally, granted a permanent visa to the person; or

(d) a person whose visa has been cancelled under section 501BA of the Act if the Minister has not, acting personally, granted a permanent visa to the person after that cancellation.

5002 If the applicant is a person who has been removed from Australia under section 198, 199 or 205 of the Act:

(a) the application is made more than 12 months after the removal; or

(b) the Minister is satisfied that, in the particular case:

(i) compelling circumstances that affect the interests of Australia; or

(ii) compassionate or compelling circumstances that affect the interests of an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen;

justify the granting of the visa within 12 months after the removal.

5010 (1) If:

(a) the applicant is the holder of a Foreign Affairs student visa; or

(b) the applicant is the holder of a student visa granted to the applicant who is provided financial support by the government of a foreign country;

the applicant meets the requirements of subclause (3), (4) or (5).

(2) If:

(a) the applicant is not the holder of a Foreign Affairs student visa and has in the past held a Foreign Affairs student visa; or

(b) both:

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(i) paragraph (a) does not apply to the applicant, and the applicant is not the holder of a substantive visa; and

(ii) the last substantive visa held by the applicant was a student visa granted to the applicant who was provided financial support by the government of a foreign country;

the applicant meets the requirements of subclause (3), (4) or (5).

(3) The applicant meets the requirements of this subclause if the course of study or training to which:

(a) the visa mentioned in paragraph (1)(a) or (b) relates; or

(b) if paragraph (2)(a) applies—the Foreign Affairs student visa most recently held by the applicant related; or

(c) if paragraph (2)(b) applies—the last substantive visa held by the applicant related;

(whether or not the applicant has ceased the course) is one designed to be undertaken over a period of less than 12 months.

(4) The applicant meets the requirements of this subclause if the applicant:

(a) has ceased:

(i) the course of study or training to which:

(A) the visa mentioned in paragraph (1)(a) or (b) relates; or

(B) if paragraph (2)(a) applies—the Foreign Affairs student visa most recently held by the applicant related; or

(C) if paragraph (2)(b) applies—the last substantive visa held by the applicant related; or

(ii) another course approved by the AusAID Minister, the Foreign Minister or the government of the foreign country that provided financial support to the applicant, as the case requires, in substitution for that course; and

(b) has spent at least 2 years outside Australia since ceasing the course.

(5) The applicant meets the requirements of this subclause if:

(a) the applicant has the support of the Foreign Minister or the government of the foreign country that provided financial support to the applicant, as the case requires, for the grant of the visa; or

(b) the Minister is satisfied that, in the particular case, waiving the requirement of paragraph (a) is justified by:

(i) compelling circumstances that affect the interests of Australia; or

(ii) compassionate or compelling circumstances that affect the interests of an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen.

(6) In this clause:

cease has the same meaning as in regulation 1.04A.

Foreign Affairs student visa has the same meaning as in regulation 1.04A.

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Schedule 6D—General points test for General Skilled Migration visas mentioned in subregulation 2.26AC(1)

(regulation 2.26AC)

Part 6D.1—Age qualifications

Item	At the time of invitation to apply for the visa, the applicant's age was ...	Number of points
6D11	not less than 18 and under 25	25
6D12	not less than 25 and under 33	30
6D13	not less than 33 and under 40	25
6D14	not less than 40 and under 45	15

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Part 6D.2—English language qualifications

Item	At the time of invitation to apply for the visa, the applicant had ...	Number of points
6D21	superior English	20
6D22	proficient English	10

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Part 6D.3—Overseas employment experience qualifications

Item	At the time of invitation to apply for the visa, the applicant ...	Number of points
6D31	had been employed outside Australia in: (a) the applicant's nominated skilled occupation; or (b) a closely related skilled occupation; for a period totalling at least 36 months in the 10 years immediately before that time	5
6D32	had been employed outside Australia in: (a) the applicant's nominated skilled occupation; or (b) a closely related skilled occupation; for a period totalling at least 60 months in the 10 years immediately before that time	10
6D33	had been employed outside Australia in: (a) the applicant's nominated skilled occupation; or (b) a closely related skilled occupation; for a period totalling at least 96 months in the 10 years immediately before that time	15

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Part 6D.4—Australian employment experience qualifications

Item	At the time of invitation to apply for the visa, the applicant ...	Number of points
6D41	had been employed in Australia in: (a) the applicant's nominated skilled occupation; or (b) a closely related skilled occupation; for a period totalling at least 12 months in the 10 years immediately before that time	5
6D42	had been employed in Australia in: (a) the applicant's nominated skilled occupation; or (b) a closely related skilled occupation; for a period totalling at least 36 months in the 10 years immediately before that time	10
6D43	had been employed in Australia in: (a) the applicant's nominated skilled occupation; or (b) a closely related skilled occupation; for a period totalling at least 60 months in the 10 years immediately before that time	15
6D44	had been employed in Australia in: (a) the applicant's nominated skilled occupation; or (b) a closely related skilled occupation; for a period totalling at least 96 months in the 10 years immediately before that time	20

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Part 6D.5—Aggregating points for employment experience qualifications

6D51 (1) If an applicant has a qualification mentioned in Part 6D.3 and a qualification mentioned in Part 6D.4, and the combined number of points that would be awarded under those Parts for the qualifications is more than 20 points:

(a) the Minister must give the applicant 20 points under this Part for the qualifications; and

(b) no points are given under Part 6D.3 or 6D.4.

(2) The prescribed number of points for the combination of qualifications is 20.

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Part 6D.6—Australian professional year qualifications

Item	At the time of invitation to apply for the visa, the applicant had completed ...	Number of points
6D61	a professional year in Australia in: (a) the applicant's nominated skilled occupation; or (b) a closely related skilled occupation; for a period totalling at least 12 months in the 48 months immediately before that time	5

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Part 6D.7—Educational qualifications

Item	At the time of invitation to apply for the visa, the applicant had ...	Number of points
6D71	met the requirements for: (a) the award of a doctorate by an Australian educational institution; or (b) the award of a doctorate, by another educational institution, that is of a recognised standard	20
6D72	met the requirements for: (a) the award of at least a bachelor degree by an Australian educational institution; or (b) the award of at least a bachelor qualification, by another educational institution, that is of a recognised standard	15
6D73	met the requirements for the award of a diploma by an Australian educational institution	10
6D74	met the requirements for the award of a trade qualification by an Australian educational institution	10
6D75	attained a qualification or award recognised by the relevant assessing authority for the applicant's nominated skilled occupation as being suitable for the occupation	10

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Part 6D.7A—Specialist educational qualifications

Item	At the time of invitation to apply for the visa …	Number of points
6D7A1	the applicant met the requirements for the award of a specialist educational qualification	10

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Part 6D.8—Australian study qualifications

Item	At the time of invitation to apply for the visa ...	Number of points
6D81	the applicant met the Australian study requirement	5

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Part 6D.9—Credentialled community language qualifications

Item	At the time of invitation to apply for the visa, the applicant had ...	Number of points
6D91	a qualification in a particular language: (a) awarded or accredited by a body specified by the Minister in an instrument in writing for this item; and (b) at a standard for the language specified in the instrument	5

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Part 6D.10—Study in designated regional area qualification

Item	At the time of invitation to apply for the visa ...	Number of points
6D101	each of the following applied: (a) the applicant met the Australian study requirement; (b) the location of the campus or campuses at which that study was undertaken is in a designated regional area; (c) while the applicant undertook the course of study the applicant lived in a designated regional area; (d) none of the study undertaken constituted distance education	5

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Part 6D.11—Partner qualifications

Item	Qualification	Number of points
6D111	The spouse or de facto partner of the applicant (the ***primary applicant***): (a) is an applicant for the same subclass of visa as the primary applicant; and (b) is not an Australian permanent resident or an Australian citizen; and (c) was under 45 at the time the invitation to apply for the visa was issued to the primary applicant; and (d) at the time of invitation to apply for the visa, nominated a skilled occupation, being an occupation specified by the Minister under paragraph 1.15I(1)(a) at that time; and (e) at the time of invitation to apply for the visa, had been assessed by the relevant assessing authority for the nominated skilled occupation as having suitable skills for the occupation and the assessment was not for a Subclass 485 (Temporary Graduate) visa; and (f) at the time of invitation to apply for the visa, had competent English	10
6D112	Either: (a) the applicant does not have a spouse or de facto partner; or (b) the applicant has a spouse or de facto partner who is an Australian permanent resident or an Australian citizen	10
6D113	The spouse or de facto partner of the applicant (the ***primary applicant***): (a) is an applicant for the same subclass of visa as the primary applicant; and (b) is not an Australian permanent resident or an Australian citizen; and (c) at the time of invitation to apply for the visa, had competent English	5

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Part 6D.12—State or Territory nomination qualifications

Item	Qualification	Number of points
6D121	The applicant has been invited to apply for a Subclass 190 (Skilled—Nominated) visa, and the nominating State or Territory government agency has not withdrawn the nomination	5

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Part 6D.13—Designated regional area nomination or sponsorship qualifications

Item	Qualification	Number of points
6D131	The applicant has been invited to apply for a Subclass 489 (Skilled—Regional) (Provisional) visa or a Subclass 491 (Skilled Work Regional (Provisional)) visa, and: (a) the nominating State or Territory government agency has not withdrawn the nomination; or (b) if the applicant is sponsored by a family member, the Minister has accepted the sponsorship	15

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Schedule 7A—Business innovation and investment points test—attributes and points (Business Skills (Provisional) (Class EB) visas)

(regulation 1.03)

Part 7A.1—Definitions

In this Schedule:

degree has the meaning given by subregulation 2.26AC(6).

diploma has the meaning given by subregulation 2.26AC(6).

trade qualification has the meaning given by subregulation 2.26AC (6).

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Part 7A.2—Age qualifications

Item	At the time of invitation to apply for the visa, the applicant was ...	Number of points
7A21	not less than 18 and under 25	20
7A22	not less than 25 and under 33	30
7A23	not less than 33 and under 40	25
7A24	not less than 40 and under 45	20
7A25	not less than 45 and under 55	15

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Part 7A.3—English language qualifications

Item	At the time of invitation to apply for the visa, the applicant had ...	Number of points
7A31	vocational English	5
7A32	proficient English	10

Note: Points are accumulated under item 7A31 or 7A32, not both.

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Part 7A.4—Educational qualifications

Item	At the time of invitation to apply for the visa, the applicant had ...	Number of points
7A41	met the requirements for: (a) the award of a trade qualification, diploma or bachelor degree by an Australian educational institution; or (b) the award of a bachelor qualification by an educational institution that is of a recognised standard	5
7A42	met the requirements for: (a) the award of a bachelor degree in business, science or technology by an Australian educational institution; or (b) the award of a bachelor qualification in business, science or technology by an educational institution that is of a recognised standard	10

Note: Points are accumulated under item 7A41 or 7A42, not both.

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Part 7A.5—Business experience qualifications—Business Innovation stream only

Item	The applicant has held one or more main businesses for ...	Number of points
7A51	not less than 4 years in the 5 years immediately before the time of invitation to apply for the visa	10
7A52	not less than 7 years in the 8 years immediately before the time of invitation to apply for the visa	15

Note: Points are accumulated under item 7A51 or 7A52, not both.

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Part 7A.6—Investor experience qualifications—Investor stream only

Item	The applicant ...	Number of points
7A61	(a) if the applicant was invited to apply for the visa before 1 July 2021—held eligible investments which had a value of not less than AUD100,000 for not less than 4 years immediately before the time of invitation; or (b) if the applicant was invited to apply for the visa on or after 1 July 2021—held eligible investments which had a value of not less than AUD250,000 for not less than 4 years immediately before the time of invitation	10
7A62	(a) if the applicant was invited to apply for the visa before 1 July 2021—held eligible investments which had a value of not less than AUD100,000 for not less than 7 years immediately before the time of invitation; or (b) if the applicant was invited to apply for the visa on or after 1 July 2021—held eligible investments which had a value of not less than AUD250,000 for not less than 7 years immediately before the time of invitation	15

Note: Points are accumulated under item 7A61 or 7A62, not both.

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Part 7A.7—Financial asset qualifications

Item	The net value of the business and personal assets of the applicant, the applicant's spouse or de facto partner, or the applicant and the applicant's spouse or de facto partner together, was ...	Number of points
7A71	(a) if the applicant was invited to apply for the visa before 1 July 2021—not less than AUD800,000 in each of the 2 fiscal years immediately before the time of invitation; or (b) if the applicant was invited to apply for the visa on or after 1 July 2021—not less than AUD1,250,000 in each of the 2 fiscal years immediately before the time of invitation	5
7A72	(a) if the applicant was invited to apply for the visa before 1 July 2021—not less than AUD1,300,000 in each of the 2 fiscal years immediately before the time of invitation; or (b) if the applicant was invited to apply for the visa on or after 1 July 2021—not less than AUD1,750,000 in each of the 2 fiscal years immediately before the time of invitation	15
7A73	(a) if the applicant was invited to apply for the visa before 1 July 2021—not less than AUD1,800,000 in each of the 2 fiscal years immediately before the time of invitation; or (b) if the applicant was invited to apply for the visa on or after 1 July 2021—not less than AUD2,250,000 in each of the 2 fiscal years immediately before the time of invitation	25
7A74	(a) if the applicant was invited to apply for the visa before 1 July 2021—not less than AUD2,250,000 in each of the 2 fiscal years immediately before the time of invitation; or (b) if the applicant was invited to apply for the visa on or after 1 July 2021—not less than AUD2,750,000 in each of the 2 fiscal years immediately before the time of invitation	35

Note: Points are accumulated under one item in Part 7A.7, not more than one.

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Part 7A.8—Business turnover qualifications

Item	The applicant had an ownership interest in one or more main businesses that had an annual turnover of ...	Number of points
7A81	(a) if the applicant was invited to apply for the visa before 1 July 2021—not less than AUD500,000 in at least 2 of the 4 fiscal years immediately before the time of invitation; or (b) if the applicant was invited to apply for the visa on or after 1 July 2021—not less than AUD750,000 in at least 2 of the 4 fiscal years immediately before the time of invitation	5
7A82	(a) if the applicant was invited to apply for the visa before 1 July 2021—not less than AUD1,000,000 in at least 2 of the 4 fiscal years immediately before the time of invitation; or (b) if the applicant was invited to apply for the visa on or after 1 July 2021—not less than AUD1,250,000 in at least 2 of the 4 fiscal years immediately before the time of invitation	15
7A83	(a) if the applicant was invited to apply for the visa before 1 July 2021—not less than AUD1,500,000 in at least 2 of the 4 fiscal years immediately before the time of invitation; or (b) if the applicant was invited to apply for the visa on or after 1 July 2021—not less than AUD1,750,0000 in at least 2 of the 4 fiscal years immediately before the time of invitation	25
7A84	(a) if the applicant was invited to apply for the visa before 1 July 2021—not less than AUD2,000,000 in at least 2 of the 4 fiscal years immediately before the time of invitation; or (b) if the applicant was invited to apply for the visa on or after 1 July 2021—not less than AUD2,250,000 in at least 2 of the 4 fiscal years immediately before the time of invitation	35

Note: Points are accumulated under one item in Part 7A.8, not more than one.

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Part 7A.9—Business innovation qualifications

Item	At the time of invitation to apply for the visa ...	Number of points
7A91	the applicant, or a main business of the applicant, had either or both of the following: (a) one or more patents that: (i) were registered not less than 1 year before that time; and (ii) were used in the day to day activities of the main business; (b) one or more registered designs that: (i) were registered not less than 1 year before that time; and (ii) were used in the day to day activities of the main business	15
7A92	the applicant, or a main business of the applicant, had one or more registered trade marks that: (a) were registered not less than 1 year before that time; and (b) were used in the day to day activities of the main business	10
7A93	each of the following applied: (a) at least one main business in which the applicant held an ownership interest operated in accordance with a formal joint venture agreement entered into with another business or businesses; (b) the joint venture agreement had been entered into not less than 1 year before the time of invitation to apply for the visa; (c) the applicant utilised his or her skills in actively participating at a senior level in the day to day management of the business	5
7A94	at least one main business held by the applicant derived not less than 50% of its annual turnover from export trade in at least 2 of the 4 fiscal years immediately before that time	15
7A95	the applicant had an ownership interest in at least one main business that: (a) was established not more than 5 years before that time; and (b) had an average annualised growth in turnover that was greater than 20% per annum over 3 continuous fiscal years; and (c) in at least one of the 3 fiscal years mentioned in paragraph (b) employed 10 or more employees for a total number of hours that was at least the total number of hours that would have been worked by 10 full-time employees	10

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Item	At the time of invitation to apply for the visa ...	Number of points
7A96	the applicant, or at least one main business in which the applicant held an ownership interest: (a) had received a grant that: (i) was awarded for the purposes of early phase start up of a business, product commercialisation, business development or business expansion; and (ii) was at least AUD10 000; and (iii) was awarded by a government body in the applicant's home country; and (iv) had been received not more than 4 years immediately before that time; or (b) had received venture capital funding of at least AUD100 000 not more than 4 years before the time of the invitation for the purposes of early phase start up of a business, product commercialisation, business development or business expansion	10

Note: Points may be accumulated under more than one item in Part 7A.9, but points may not be accumulated more than once for each item in the Part.

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Part 7A.10—Special endorsement qualifications

Item	At the time of the invitation to apply for the visa ...	Number of points
7A101	the nominating State or Territory government agency had determined that the business proposed by the applicant was of unique and important benefit to the State or Territory where the nominating government agency is located	10

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Schedule 8—Visa conditions

(subregulations 2.05(1) and (2))

Note 1: Whether a visa of a particular class may be made subject to any of these conditions depends on the relevant provision in Schedule 2.

Note 2: As to cancellation for breaches of conditions, see the Act, ss. 41 and 116 to 119.

8101 The holder must not engage in work in Australia.

8102 The holder must not engage in work in Australia (other than in relation to the holder's course of study or training).

8103 The holder must not undertake work in Australia without the permission in writing of the Minister, which may be:
(a) in relation to specified work; or
(b) for a specified time.

8104 (1) The holder must not engage in work for more than 40 hours a fortnight while the holder is in Australia.

(2) Subject to subclauses (2A) and (2B), if the holder is a member of the family unit of a person who satisfies the primary criteria for the grant of a student visa, the holder must not engage in work in Australia until the person who satisfies the primary criteria has commenced a course of study.

(2A) Subclause (2) does not apply to the holder if:
(a) at the time of applying for the visa, the holder held a substantive visa or a bridging visa (the ***previous visa***); and
(b) the holder was permitted to work in Australia during the period that the previous visa was in effect.

(2B) Subclause (2) does not apply to the holder if the person who satisfies the primary criteria for the grant of the student visa:
(a) held a substantive visa or a bridging visa (the ***previous visa***) at the time of applying for the student visa; and
(b) was permitted to work in Australia during the period that the previous visa was in effect.

(2C) If subclause (2) does not apply to the holder because of subclause (2A) or (2B), then despite subclause (1), the holder may engage in work for more than 40 hours a fortnight:
(a) while the holder is in Australia; and
(b) before the course of study mentioned in subclause (2) commences.

(3) If the course of study mentioned in subclause (2) is for the award of a masters or doctoral degree, then despite subclause (1), the holder may engage in work for more than 40 hours a fortnight while the holder is in Australia.

(3A) If the visa held is a Subclass 500 (Student) visa, or a bridging visa granted on the basis of a valid application for a Subclass 500 (Student) visa, this clause applies

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as if the reference in subclauses (1), (2C) and (3) to 40 hours were instead a reference to 48 hours.

(4) In this clause:

fortnight means the period of 14 days commencing on a Monday.

8105 (1A) Subject to subclause (1B), the holder must not engage in any work in Australia before the holder's course of study commences.

(1B) Subclause (1A) does not apply to the holder if:

(a) at the time of applying for the visa, the holder held a substantive visa or a bridging visa (the ***previous visa***); and

(b) the holder was permitted to work in Australia during the period that the previous visa was in effect.

(1) Subject to subclause (2), the holder must not engage in work in Australia for more than 40 hours a fortnight during any fortnight when the holder's course of study or training is in session.

(2) Subclause (1) does not apply:

(a) to work that was specified as a requirement of the course when the course particulars were entered in the Commonwealth Register of Institutions and Courses for Overseas Students; and

(b) in relation to a student visa granted in relation to a masters degree by research or doctoral degree if the holder has commenced the masters degree by research or doctoral degree.

(2A) If the visa held is a Subclass 500 (Student) visa, or a bridging visa granted on the basis of a valid application for a Subclass 500 (Student) visa, this clause applies as if the reference in subclause (1) to 40 hours were instead a reference to 48 hours.

(3) In this clause:

fortnight means the period of 14 days commencing on a Monday.

8106 The holder must engage in work in Australia only if the work is relevant to the conduct of the business, or performance of the tasks, specified in the visa application.

8107 (1) If the visa is not a visa mentioned in subclause (3) or (4), and was granted to enable the holder to be employed in Australia, the holder must not:

(a) cease to be employed by the employer in relation to which the visa was granted; or

(b) work in a position or occupation inconsistent with the position or occupation in relation to which the visa was granted; or

(c) engage in work for another person or on the holder's own account while undertaking the employment in relation to which the visa was granted.

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(2) If the visa is not a visa mentioned in subclause (3) or (4), and subclause (1) does not apply, the holder must not:
  (a) cease to undertake the activity in relation to which the visa was granted; or
  (b) engage in an activity inconsistent with the activity in relation to which the visa was granted; or
  (c) engage in work for another person or on the holder's own account inconsistent with the activity in relation to which the visa was granted.

(3) If the visa is, or the last substantive visa held by the applicant was, a Subclass 457 (Temporary Work (Skilled)) visa that was granted on the basis that the holder met the requirements of subclause 457.223(2) or (4) (as in force before 18 March 2018):
  (a) the holder:
    (i) must work only in the occupation listed in the most recently approved nomination for the holder; and
    (ii) unless the circumstances in subclause (3A) apply:
      (A) must work only for the party to a labour agreement or former party to a labour agreement who nominated the holder in the most recently approved nomination; or
      (B) if the sponsor is, or was, a standard business sponsor who was lawfully operating a business in Australia at the time of the sponsor's approval as a standard business sponsor, or at the time of the last approval of a variation to the sponsor's term of approval as a standard business sponsor—must work only in a position in the business of the sponsor or an associated entity of the sponsor; or
      (C) if the sponsor is or was a standard business sponsor who was not lawfully operating a business in Australia, and was lawfully operating a business outside Australia, at the time of the sponsor's approval as a standard business sponsor, or at the time of the last approval of a variation to the sponsor's term of approval as a standard business sponsor—must work only in a position in the business of the sponsor; and
  (aa) subject to paragraph (c), the holder must:
    (i) if the holder was outside Australia when the visa was granted—commence work within 90 days after the holder's arrival in Australia; and
    (ii) if the holder was in Australia when the visa was granted—commence work within 90 days after the holder's visa was granted; and
  (b) the holder may cease to work in accordance with paragraph (a) for a period, but:
    (i) any such period must not exceed 180 consecutive days; and
    (ii) the total number of days on which the holder does not work in accordance with paragraph (a) must not exceed 365 during the visa period for the holder's visa; and

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(c) if the holder is required to hold a licence, registration or membership that is mandatory to perform the occupation nominated in relation to the holder, in the location where the holder's position is situated—the holder:

(i) must hold the licence, registration or membership while the holder is performing the occupation; and

(ii) if the holder was outside Australia when the visa was granted—the holder must hold that licence, registration or membership within 90 days after the holder's arrival in Australia; and

(iii) if the holder was in Australia when the visa was granted—the holder must hold that licence, registration or membership within 90 days after the holder's visa was granted; and

(iv) must notify the Department, in writing as soon as practicable if an application for the licence, registration or membership is refused; and

(v) must comply with each condition or requirement to which the licence, registration or membership is subject; and

(vi) must not engage in work that is inconsistent with the licence, registration or membership, including any conditions or requirements to which the licence, registration or membership is subject; and

(vii) must notify the Department, in writing as soon as practicable if the licence, registration or membership ceases to be in force or is revoked or cancelled.

(3A) For subparagraph (3)(a)(ii), the circumstances are that:

(a) the holder's occupation is specified in an instrument in writing for subparagraph 2.72(10)(e)(ii) or (iii) as in force before 18 March 2018; or

(b) the holder is continuing to work for the sponsor, or the associated entity of the sponsor, for the purpose of fulfilling a requirement under a law relating to industrial relations and relating to the giving of notice.

(4) If the visa is:

(a) a Subclass 401 (Temporary Work (Long Stay Activity)) visa; or

(b) a Subclass 402 (Training and Research) visa; or

(ba) a Subclass 420 (Temporary Work (Entertainment)) visa;

the holder must not:

(c) cease to engage in the most recently nominated occupation, program or activity in relation to which the holder is identified; or

(d) engage in work or an activity that is inconsistent with the most recently nominated occupation, program or activity in relation to which the holder is identified; or

(e) engage in work or an activity for an employer other than the employer identified in accordance with paragraph 2.72A(7)(a) as in force before 19 November 2016 (subject to subregulation 2.72A(8) as in force before that day) in the most recent nomination in which the holder is identified.

(5) If the visa is a subclass 407 (Training) visa, the holder must not:

(a) cease to engage in the most recently nominated program in relation to which the holder is identified; or

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(b) engage in work or an activity that is inconsistent with the most recently nominated program in relation to which the holder is identified; or

(c) engage in work or an activity for an employer other than an employer identified in accordance with paragraph 2.72A(8)(a) (subject to subregulation 2.72A(9)) in the most recent nomination in which the holder is identified.

8108 The holder must not be employed in Australia by any 1 employer for more than 3 months, without the prior permission in writing of the Secretary.

8109 The holder must not change details of times and places of engagements specified in the application to be undertaken in Australia during the visa period, without the prior permission in writing of the Secretary.

8110 The holder:

(a) must not engage in work in Australia except in the household of the employer in relation to whom the visa was granted; and

(b) must not work in a position or occupation inconsistent with the position or occupation in relation to which the visa was granted; and

(c) must not engage in work for another person or on the holder's own account while undertaking the employment in relation to which the visa was granted; and

(d) must not cease to be employed by the employer in relation to which the visa was granted, unless paragraph (e) applies; and

(e) except with the written permission of the Foreign Minister, must not remain in Australia after the permanent departure of that employer.

8111 The holder must not:

(a) perform work in Australia except in the household of the employer who is the holder's sponsor in relation to the visa; or

(b) remain in Australia after the permanent departure of that employer.

8112 The holder must not engage in work in Australia that might otherwise be carried out by an Australian citizen or an Australian permanent resident.

8113 The holder must not work in Australia otherwise than as a member of the crew of a non-military ship.

8114 The holder must not work in Australia otherwise than as a member of the crew of a superyacht.

8115 The holder must not work in Australia other than by engaging in a business visitor activity.

8116 The holder must not work in Australia other than by engaging in an activity specified in a legislative instrument made by the Minister for this clause.

8117 The holder must not work in Australia other than as a member of the crew on either or both of the following:

(a) the flight on which the holder leaves Australia;

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(b) one flight from a proclaimed airport to the proclaimed airport from which the holder leaves Australia.

8118 The holder must not work in Australia other than as a member of the crew on one or more of the following:

(a) the flight on which the holder travels to Australia;

(b) one flight from the proclaimed airport at which the holder enters Australia to another proclaimed airport;

(c) the flight on which the holder leaves Australia;

(d) one flight from a proclaimed airport to the proclaimed airport from which the holder leaves Australia.

8201 (1) While in Australia, the holder must not engage, for more than 3 months, in any studies or training.

(2) However, subclause (1) does not apply to a visa mentioned in the table.

Item	Visa
1	Subclass 590 (Student Guardian) visa in relation to which the holder is undertaking an ELICOS of less than 20 hours per week
1A	Subclass 602 (Medical Treatment) visa in relation to which the holder: (a) is under 18; and (b) has experienced a change in circumstances while in Australia; and (c) has the written permission of the Minister to engage for more than 3 months in any studies or training because of compelling and compassionate circumstances
2	Subclass 675 (Medical Treatment (Short Stay)) visa in relation to which the holder: (a) is under 18; and (b) has experienced a change in circumstances while in Australia; and (c) has the written permission of the Minister to engage for more than 3 months in any studies or training because of compelling and compassionate circumstances
3	Subclass 685 (Medical Treatment (Long Stay)) visa in relation to which the holder: (a) is under 18; and (b) has experienced a change in circumstances while in Australia; and (c) has the written permission of the Minister to engage for more than 3 months in any studies or training because of compelling and compassionate circumstances

8202 (1) The holder must be enrolled in a full-time course of study or training if the holder is:

(a) a Defence student; or

(b) a Foreign Affairs student; or

(c) a secondary exchange student.

(2) A holder not covered by subclause (1):

(a) must be enrolled in a full-time registered course; and

(b) subject to subclause (3), must maintain enrolment in a registered course that, once completed, will provide a qualification from the Australian

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Qualifications Framework that is at the same level as, or at a higher level than, the registered course in relation to which the visa was granted; and

(c) must ensure that neither of the following subparagraphs applies in respect of a registered course undertaken by the holder:

(i) the education provider has certified the holder, for a registered course undertaken by the holder, as not achieving satisfactory course progress for section 19 of the *Education Services for Overseas Students Act 2000* and the relevant standard of the national code made by the Education Minister under section 33 of that Act;

(ii) the education provider has certified the holder, for a registered course undertaken by the holder, as not achieving satisfactory course attendance for section 19 of the *Education Services for Overseas Students Act 2000* and the relevant standard of the national code made by the Education Minister under section 33 of that Act.

(3) A holder is taken to satisfy the requirement set out in paragraph (2)(b) if the holder:

(a) is enrolled in a course at the Australian Qualifications Framework level 10; and

(b) changes their enrolment to a course at the Australian Qualifications Framework level 9.

8203 The holder must not change his or her course of study, or thesis or research topic, unless approval is given by the Minister after the Minister has obtained an assessment from the competent Australian authorities that the holder is not likely to be directly or indirectly a risk to Australian national security.

8204 The holder must not undertake or change a course of study or research, or thesis or research topic, for:

(a) a graduate certificate, a graduate diploma, a master's degree or a doctorate; or

(b) any bridging course required as a prerequisite to a course of study or research for a master's degree or a doctorate;

unless approval is given by the Minister after the Minister has obtained an assessment from the competent Australian authorities that the holder is not likely to be directly or indirectly a risk to Australian national security.

8207 The holder must not engage in any studies or training in Australia.

8208 (1) The holder must not undertake critical technology related study unless:

(a) the Minister is satisfied that there is not an unreasonable risk of an unwanted transfer of critical technology by the holder; and

(b) the Minister has approved in writing the holder undertaking that critical technology related study.

(2) Subclause (1) does not apply in relation to the intended course of study, or activities related to study in Australia, evidenced in the holder's visa application.

(3) In this clause:

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critical technology related study means:

(a) a postgraduate research course within the meaning of clause 500.111 of Schedule 2 that relates to critical technology; or

(b) a bridging course required as a prerequisite to a course mentioned in paragraph (a); or

(c) a thesis or research topic that:

(i) is for a postgraduate research course within the meaning of clause 500.111 of Schedule 2; and

(ii) relates to critical technology.

8301 After entry to Australia, the holder must satisfy relevant public interest criteria before the visa ceases.

8302 After entry to Australia, all relevant members of the family unit must satisfy the relevant public interest criteria before the visa ceases.

8303 The holder must not become involved in activities disruptive to, or violence threatening harm to, the Australian community or a group within the Australian community.

8401 The holder must report:

(a) at the time or times; and

(b) at a place or in a manner;

specified, orally or in writing, by the Minister from time to time.

8402 The holder must report:

(a) within 5 working days of grant, to an office of Immigration; and

(b) to that office on the first working day of every week after reporting under paragraph (a).

8501 The holder must maintain adequate arrangements for health insurance while the holder is in Australia.

8502 The holder of the visa must not enter Australia before the entry to Australia of a person specified in the visa.

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.

8504 The holder must enter Australia as the holder of the visa to which the condition applies before a date specified by the Minister.

8505 The holder must continue to live at the address specified by the holder before grant of the visa.

8506 The holder must notify Immigration at least 2 working days in advance of any change in the holder's address.

8507 The holder must, within the period specified by the Minister for the purpose:

(a) pay; or

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(b) make an arrangement that is satisfactory to the Minister to pay;

the costs (within the meaning of Division 10 of Part 2 of the Act) of the holder's detention.

8508 The holder must make a valid application for a visa of a class that can be granted in Australia, within the time specified by the Minister for the purpose.

Note: For the meaning of ***valid application*** see s 46 of the Act. Broadly, a valid application is one that is formally in order for consideration, not necessarily one that can be granted.

8509 Within 5 working days after the date of grant, the holder must:

(a) make a valid application for a substantive visa; or

(b) show an officer a ticket for travel to a country other than Australia that the Minister is satisfied will allow the holder to enter on his or her arrival.

8510 Within the time specified by the Minister for the purpose, the holder must, either:

(a) show an officer a passport that is in force; or

(b) make an arrangement satisfactory to the Minister to obtain a passport.

8511 Within the time specified by the Minister for the purpose, the holder must, show an officer a ticket for travel to a country other than Australia that the Minister is satisfied will allow the holder to enter on his or her arrival.

8512 The holder must leave Australia by the date specified by the Minister for the purpose.

8513 The holder must notify Immigration of his or her residential address within 5 working days of grant.

8514 During the visa period of the visa, there must be no material change in the circumstances on the basis of which it was granted.

8515 The holder of the visa must not marry or enter into a de facto relationship before entering Australia.

8516 The holder must continue to be a person who would satisfy the primary or secondary criteria, as the case requires, for the grant of the visa.

8517 The holder must maintain adequate arrangements for the education of any school-age dependant of the holder who is in Australia for more than 3 months as the holder of a student visa (as a person who has satisfied the secondary criteria).

8518 Adequate arrangements must be maintained for the education of the holder while he or she is in Australia.

8519 The holder must enter into the marriage in relation to which the visa was granted within the visa period of the visa.

8520 The relevant person who holds a Subclass 300 visa on the basis of having satisfied the primary criteria must enter into the marriage in relation to which that visa was granted within the visa period of that visa.

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8522 The holder must leave Australia not later than the time of departure of the person:

(a) who has satisfied the primary criteria; and

(b) of whose family unit the holder is a member.

8523 Each person who:

(a) is a member of the family unit of the holder (being a spouse or de facto partner of the holder or an unmarried child of the holder who has not turned 18); and

(b) has satisfied the secondary criteria; and

(c) holds a student visa because of paragraphs (a) and (b);

must leave Australia not later than the time of departure of the holder.

8525 The holder must leave Australia by a specified means of transport on a specified day or within a specified period.

8526 The holder must notify the Secretary in writing, not earlier than 7 days before the day the visa ceases to be in effect, and not later than that day, of the holder's place of residence in Australia by posting the notification to the Central Office of Immigration in the Australian Capital Territory.

8527 The holder must be free from tuberculosis at the time of travel to, and entry into, Australia.

8528 The holder must not have one or more criminal convictions, for which the sentence or sentences (whether served or not) are for a total period of 12 months duration or more, at the time of travel to, and entry into, Australia.

8529 The holder must, after entering Australia:

(a) undergo a medical examination carried out by:

(i) a Commonwealth Medical Officer; or

(ii) a medical practitioner approved by the Minister; or

(iii) a medical practitioner employed by an organisation approved by the Minister; and

(b) undergo a chest x-ray examination conducted by a medical practitioner who is qualified as a radiologist in Australia, unless the holder:

(i) is under 11 years of age and is not a person in respect of whom a Commonwealth Medical Officer has requested such an examination; or

(ii) is a person:

(A) who is confirmed by a Commonwealth Medical Officer to be pregnant; and

(B) who has been examined for tuberculosis by a chest clinic officer employed by a health authority of a State or Territory; and

(C) who has signed an undertaking to place herself under the professional supervision of a health authority in a State or Territory and to undergo any necessary treatment; and

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(D) whom the Minister is satisfied should not be required to undergo a chest x-ray examination at this time.

8530 The holder must not deviate from the organised tour referred to in clause 600.252 of Schedule 2.

8531 The holder must not remain in Australia after the end of the period of stay permitted by the visa.

8532 If the holder has not turned 18:

(a) the holder must stay in Australia with a person who is:
  (i) a parent of the holder or a person who has custody of the holder; or
  (ii) a relative of the holder who:
    (A) is nominated by a parent of the holder or a person who has custody of the holder; and
    (B) has turned 21; and
    (C) is of good character; or

(b) the arrangements for the holder's accommodation, support and general welfare must be approved by the education provider for the course to which the holder's visa relates, and the holder must not enter Australia before the day nominated by the education provider as the day on which those arrangements are to commence; or

(c) in the case that the holder is a Defence student—both:
  (i) the arrangements for the holder's accommodation, support and general welfare must be approved by the Defence Minister; and
  (ii) the holder must not enter Australia before the day those arrangements are to commence; or

(d) in the case that the holder is a Foreign Affairs student—both:
  (i) the arrangements for the holder's accommodation, support and general welfare must be approved by the Foreign Minister; and
  (ii) the holder must not enter Australia before the day those arrangements are to commence.

8533 The holder must:

(a) in the case of a holder who was outside Australia when the visa was granted, notify the education provider of the holder's residential address in Australia within 7 days after arriving in Australia; and

(b) in all cases:
  (i) notify the education provider of any change in the holder's residential address in Australia within 7 days after the change occurs; and
  (ii) notify his or her current education provider of a change of education provider within 7 days after the holder receives:
    (A) a confirmation of enrolment from the new education provider; or
    (B) if no confirmation of enrolment is required to be sent, or if a failure of electronic transmission has prevented an education provider from sending a confirmation of enrolment—

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evidence that the applicant has been enrolled by the new education provider.

8534 The holder will not be entitled to be granted a substantive visa, other than:
(a) a protection visa; or
(b) a Subclass 485 (Temporary Graduate) visa; or
(c) a Subclass 590 (Student Guardian) visa;
while the holder remains in Australia.

8535 The holder will not be entitled to be granted a substantive visa, other than:
(a) a protection visa; or
(b) a Student (Temporary) (Class TU) visa that is granted to the holder on the basis of support from the Commonwealth government or a foreign government;
while the holder remains in Australia.

8536 The holder must not discontinue, or deviate from, the professional development program in relation to which the visa was granted.

8537 (1) While the nominating student (within the meaning of Part 590 of Schedule 2) in relation to the holder is in Australia, the holder must reside in Australia.

(2) While the holder is in Australia, the holder must:
(a) stay with the nominating student (within the meaning of Part 590 of Schedule 2) in relation to the holder; and
(b) provide appropriate accommodation and support for the nominating student; and
(c) provide for the general welfare of the nominating student.

8538 If the holder leaves Australia without the nominating student (within the meaning of Part 590 of Schedule 2) in relation to the holder, the holder must first give to the Minister evidence that:
(a) there are compelling or compassionate reasons for doing so; and
(b) the holder has made alternative arrangements for the accommodation, support and general welfare of the nominating student until the holder's return to Australia; and
(c) if the nominating student has not turned 18, the alternative arrangements are approved by the education provider for the course to which the nominating student's visa relates.

8539 While the holder is in Australia, the holder must live, study and work only in an area specified by the Minister in an instrument in writing for item 6A1001 of Schedule 6A or item 6D101 of Schedule 6D, as in force:
(a) when the visa was granted; or
(b) if the holder has held more than 1 visa that is subject to this condition—when the first of those visas was granted.

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8540 The holder will not, after entering Australia, be entitled to be granted a substantive visa, other than a protection visa or a Subclass 462 (Work and Holiday) visa, while the holder remains in Australia.

8541 The holder:

(a) must do everything possible to facilitate his or her removal from Australia; and

(b) must not attempt to obstruct efforts to arrange and effect his or her removal from Australia.

8542 The holder must report in person for removal from Australia in accordance with instructions given, orally or in writing, by the Minister to the holder for the purpose of that removal.

8543 The holder must attend at a place, date and time specified, orally or in writing, by the Minister in order to facilitate efforts to arrange and effect his or her removal from Australia.

8547 The holder must not be employed by any 1 employer for more than 6 months, without the prior permission in writing of the Secretary.

8548 The holder must not engage in any studies or training in Australia for more than 4 months.

8549 (1) Unless subclause (2) applies, while the holder is in Australia, the holder must live, study and work only in a designated area, as in force:

(a) when the visa was granted; or

(b) if the holder has held more than 1 visa that is subject to this condition—when the first of those visas was granted.

Note: ***designated area*** is defined in regulation 1.03

(2) For a visa granted on the basis of satisfaction of clause 159.214 or 159.311 of Schedule 2, while the holder is in Australia, the holder must live, study and work only in Norfolk Island, apart from any period during the whole of which the visa holder:

(a) has not turned 25; and

(b) is a dependent child of a person who is ordinarily resident in Norfolk Island; and

(c) lives elsewhere in Australia for the purpose of study; and

(d) meets the requirements mentioned in condition 8105 (which relates to students engaging in work).

Note: Condition 8105 is not imposed on the visa.

8550 The holder must notify the Minister of any change in the holder's personal details, including a change to any of the following contact information:

(a) the holder's name;

(b) an address of the holder;

(c) a phone number of the holder;

(d) an email address of the holder;

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(e) an online profile used by the holder;
(f) a user name of the holder;

not less than 2 working days before the change is to occur.

8551 (1) The holder must obtain the Minister's approval before taking up employment in the following occupations, or occupations of a similar kind:
(a) occupations that involve the use of, or access to, chemicals of security concern;
(b) occupations in the aviation or maritime industries;
(c) occupations at facilities that handle security-sensitive biological agents.

(2) In this clause:

chemicals of security concern means chemicals specified by the Minister in an instrument in writing for this definition.

Note: The Minister's instrument will refer to chemicals that have been identified, by the Council of Australian Governments, as chemicals of security concern. Without limiting what the Council might identify, the chemicals may include:
(a) industrial chemicals, including chemicals used in the retail, pharmaceutical or pool and spa sectors, that could be diverted from their lawful use to other purposes such as terrorist-related activities; and
(b) agricultural and veterinary chemicals that could be diverted from their lawful use to other purposes, including terrorist-related activities.

8552 The holder must notify the Minister of any change in the holder's employment details, not less than 2 working days before the change is to occur.

8553 The holder must not become involved in activities that are prejudicial to security (within the meaning of section 4 of the *Australian Security Intelligence Organisation Act 1979*).

8554 (1) The holder must not acquire any of the following goods:
(a) weapons;
(b) explosives;
(c) material or documentation that provides instruction on the use of weapons or explosives.

(2) In this clause:

weapon means a thing made or adapted for use for inflicting bodily injury.

8555 The holder must obtain the Minister's approval before undertaking the following activities, or activities of a similar kind:
(a) flight training;
(b) flying aircraft.

8556 The holder must not communicate or associate with:
(a) an entity listed under Part 4 of the *Charter of the United Nations Act 1945*; or

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(b) an organisation prescribed by regulations made under the *Criminal Code Act 1995* for the purposes of paragraph (b) of the definition of ***terrorist organisation*** in subsection 102.1(1) of the *Criminal Code*.

8557 The holder must hold for the whole of the visa period:

(a) if the visa was granted on the basis of a complying investment within the meaning of regulation 5.19B as in force at a particular time—a complying investment within the meaning of regulation 5.19B as in force at that time; or

(b) if the visa was granted on the basis of a complying significant investment within the meaning of regulation 5.19C as in force at a particular time—a complying significant investment within the meaning of regulation 5.19C as in force at that time; or

(c) if the visa was granted on the basis of a complying premium investment within the meaning of regulation 5.19D as in force at a particular time—a complying premium investment within the meaning of regulation 5.19D as in force at that time.

8558 The holder must not stay in Australia for more than 12 months in any period of 18 months.

8559 The holder must not enter the country by reference to which:

(a) the holder; or

(b) for a member of the family unit of another holder—the other holder;

was found to be a person to whom Australia has protection obligations unless the Minister has approved the entry in writing.

8560 (1) The holder must obtain the Minister's approval before acquiring chemicals of security concern.

(2) In this clause:

chemicals of security concern means chemicals specified by the Minister in an instrument in writing for this definition.

Note: The Minister's instrument will refer to chemicals that have been identified, by the Council of Australian Governments, as chemicals of security concern. Without limiting what the Council might identify, the chemicals may include:

(a) industrial chemicals, including chemicals used in the retail, pharmaceutical or pool and spa sectors, that could be diverted from their lawful use to other purposes such as terrorist-related activities; and

(b) agricultural and veterinary chemicals that could be diverted from their lawful use to other purposes, including terrorist-related activities.

8561 If the holder is directed, orally or in writing, by the Minister to attend, at a specified place, on a specified day and at a specified time, an interview that relates to the holder's visa (including an interview with the Australian Security Intelligence Organisation), the holder must comply with the direction.

8562 (1) The holder must not take up employment in:

(a) occupations that involve the use of, or access to, weapons or explosives; or

(b) occupations of a similar kind.

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(2) In this clause:

weapon means a thing made or adapted for use for inflicting bodily injury.

8563 (1) The holder must not undertake the following activities, or activities of a similar kind:

(a) using or accessing weapons or explosives;

(b) participating in training in the use of weapons or explosives;

(c) possessing or accessing material or documentation that provides instruction on the use of weapons or explosives.

(2) In this clause:

weapon means a thing made or adapted for use for inflicting bodily injury.

8564 The holder must not engage in criminal conduct.

8565 The holder must notify Immigration of any change in the holder's residential address within 28 days after the change occurs.

8566 If the person to whom the visa is granted has signed a code of behaviour that:

(a) has been approved by the Minister in accordance with clause 4.1 of Schedule 4; and

(b) when the visa is granted, is in effect in relation to that visa or another visa;

the holder must not breach the code.

Note: The requirement to sign a code of behaviour may be imposed by public interest criterion 4022 or in accordance with section 195A of the Act.

8570 The holder must not:

(a) enter a country by reference to which:

(i) the holder was found to be a person in respect of whom Australia has protection obligations; or

(ii) for a member of the family unit of another holder—the other holder was found to be a person in respect of whom Australia has protection obligations; or

(b) enter any other country unless:

(i) the Minister is satisfied that there are compassionate or compelling circumstances justifying the entry; and

(ii) the Minister has approved the entry in writing.

8571 The holder must maintain an ongoing relationship with the nominating State or Territory government agency or the government of the State or Territory in which the agency is (or was) located.

8572 If requested in writing by the Minister to do so, the holder must undergo a medical assessment carried out by any of the following:

(a) a Medical Officer of the Commonwealth;

(b) a medical practitioner approved by the Minister;

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(c) a medical practitioner employed by an organisation approved by the Minister.

8573 The holder must not stay in Australia for more than 12 months in any period of 24 months.

8575 The holder must not stay in Australia for more than 7 months in any period of 12 months.

8576 The holder must not stay in Australia for more than 10 months in any period of 12 months.

8578 The holder must notify Immigration of a change to any of the following within 14 days after the change occurs:

(a) the holder's residential address;
(b) an email address of the holder;
(c) a phone number of the holder;
(d) the holder's passport details;
(e) the address of an employer of the holder;
(f) the address of the location of a position in which the holder is employed.

8579 (1) If the visa is a Subclass 491 (Skilled Work Regional (Provisional)) visa, the holder, while in Australia, must live, work and study only in a part of Australia that was a designated regional area at the time the visa was granted.

(2) If:

(a) the visa is a Subclass 494 (Skilled Employer Sponsored Regional (Provisional)) visa; and
(b) the holder is:
(i) a person (the ***primary person***) who satisfied the primary criteria for the grant of the visa; or
(ii) a person who is a member of the family unit of a person (the ***primary person***) who satisfied the primary criteria for the grant of a Subclass 494 (Skilled Employer Sponsored Regional (Provisional)) visa;

then, while in Australia during the regional residency period, the holder must live, work and study only in a part of Australia that was a designated regional area at the time the relevant nomination in relation to the primary person was made.

(3) For the purposes of subclause (2), the ***relevant nomination*** in relation to the primary person is:

(a) if the nomination (the ***first nomination***) identified in the primary person's application is the first and only nomination that has been approved under subsection 140GB(2) of the Act in relation to the primary person for the purposes of the visa—the first nomination; or
(b) if:
(i) after the first nomination was approved, another nomination (a ***later nomination***) has been approved under that subsection in relation to the primary person for the purposes of the visa; and

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(ii) the primary person has commenced work, as the holder of the visa, in the position associated with the occupation nominated by that later nomination;

that later nomination.

(4) If the relevant nomination in relation to the primary person is the first nomination, then, for the purposes of subclause (2), the ***regional residency period*** is the period that:

(a) starts:

(i) if the holder was in Australia at the time of grant—at that time; or

(ii) otherwise—at the time the holder first enters Australia as the holder of the visa; and

(b) ends:

(i) if another nomination is approved under subsection 140GB(2) of the Act in relation to the primary person for the purposes of the visa—at the end of the day before the day on which the primary person commences work, as the holder of the visa, in the position associated with the occupation nominated by that nomination; or

(ii) otherwise—at the time the holder's visa ceases to have effect.

(5) If the relevant nomination in relation to the primary person is a later nomination, then, for the purposes of subclause (2), the ***regional residency period*** is the period that:

(a) starts at the start of the day on which the primary person commences work, as the holder of the visa, in the position associated with the occupation nominated by the later nomination; and

(b) ends:

(i) if another nomination is approved under subsection 140GB(2) of the Act in relation to the primary person for the purposes of the visa—at the end of the day before the day on which the primary person commences work, as the holder of the visa, in the position associated with the occupation nominated by that nomination; or

(ii) otherwise—at the time the holder's visa ceases to have effect.

8580 If requested, in writing, by the Minister to do so, the holder must provide evidence of any or all of the following within 28 days after the date of the request:

(a) the holder's residential address;

(b) the address of each employer of the holder;

(c) the address of each location of each position in which the holder is employed;

(d) the address of an educational institution attended by the holder.

8581 If requested, in writing, by the Minister to do so, the holder must attend an interview:

(a) at a place and time specified in the request; or

(b) in a manner, and at a time, specified in the request.

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8607 (1) The holder must work only in the occupation (the ***nominated occupation***) nominated by the nomination identified in the application for the most recent Subclass 482 (Skills in Demand) visa granted to the holder.

(2) Unless subclause (3) applies, the holder must:
  (a) if the most recent Subclass 482 (Skills in Demand) visa granted to the holder is in the Labour Agreement stream—work only for the person who nominated the nominated occupation; or
  (b) if the most recent Subclass 482 (Skills in Demand) visa granted to the holder is in the Specialist Skills stream or Core Skills stream and the person who nominated the nominated occupation was an overseas business sponsor at the time the nomination was approved—work only in a position in the person's business; or
  (c) if the most recent Subclass 482 (Skills in Demand) visa granted to the holder is in the Specialist Skills stream or Core Skills stream and the person who nominated the nominated occupation was not an overseas business sponsor at the time the nomination was approved—work only in a position in the person's business or a business of an associated entity of the person.

(3) This subclause applies if:
  (a) the nominated occupation is an occupation specified by the Minister in an instrument made under subregulation 2.72(13); or
  (b) the holder is continuing to work for a person for the purpose of fulfilling a requirement under a law relating to industrial relations and relating to the giving of notice.

(4) Subject to subclause (6), the holder must commence work within:
  (a) if the holder was outside Australia when the visa was granted—90 days after the holder's arrival in Australia; or
  (b) if the holder was in Australia when the visa was granted—90 days after the holder's visa was granted.

(5) The holder may cease to work in accordance with subclauses (1) and (2) for a period, but:
  (a) any such period must not exceed 180 consecutive days; and
  (b) the total number of days on which the holder does not work in accordance with subclauses (1) and (2) must not exceed 365 during the visa period for the holder's visa.

(6) If the holder is required to hold a licence, registration or membership (an ***authorisation***) that is mandatory to perform the nominated occupation in the location where the holder's position is situated, the holder must:
  (a) hold the authorisation within:
    (i) if the holder was outside Australia when the visa was granted—90 days after the holder's arrival in Australia; or
    (ii) if the holder was in Australia when the visa was granted—90 days after the holder's visa was granted; and

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(b) continue to hold the authorisation while the holder is performing the occupation; and

(c) notify Immigration, in writing, as soon as practicable if an application for the authorisation is refused; and

(d) comply with each condition or requirement to which the authorisation is subject; and

(e) not engage in work that is inconsistent with the authorisation, including any conditions or requirements to which the authorisation is subject; and

(f) notify Immigration, in writing, as soon as practicable if the authorisation ceases to be in force or is revoked or cancelled.

8608 (1) The holder must work only in the occupation (the ***nominated occupation***) nominated by the nomination identified in the application for the most recent Subclass 494 (Skilled Employer Sponsored Regional (Provisional)) visa granted to the holder.

(2) Unless subclause (3) applies, the holder must:

(a) if the most recent Subclass 494 (Skilled Employer Sponsored Regional (Provisional)) visa granted to the holder is in the Employer Sponsored stream—work only in a position in:

(i) the person's business; or

(ii) a business of an associated entity of the person; or

(b) if the most recent Subclass 494 (Skilled Employer Sponsored Regional (Provisional)) visa granted to the holder is in the Labour Agreement stream—work only for the person who nominated the nominated occupation.

(3) This subclause applies if:

(a) the nominated occupation is an occupation specified by the Minister in an instrument made under subregulation 2.72C(14); or

(b) the holder is continuing to work for a person for the purpose of fulfilling a requirement under a law relating to industrial relations and relating to the giving of notice.

(4) Subject to subclause (6), the holder must commence work within:

(a) if the holder was outside Australia when the visa was granted—90 days after the holder's arrival in Australia; or

(b) if the holder was in Australia when the visa was granted—90 days after the holder's visa was granted.

(5) The holder may cease to work in accordance with subclauses (1) and (2) for a period, but:

(a) any such period must not exceed 180 consecutive days; and

(b) the total number of days on which the holder does not work in accordance with subclauses (1) and (2) must not exceed 365 during the visa period for the holder's visa.

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(6) If the holder is required to hold a licence, registration or membership (the ***authorisation***) that is mandatory to perform the nominated occupation in the location where the holder's position is situated, the holder must:

(a) hold the authorisation within:

(i) if the holder was outside Australia when the visa was granted—90 days after the holder's arrival in Australia; or

(ii) if the holder was in Australia when the visa was granted—90 days after the holder's visa was granted; and

(b) continue to hold the authorisation while the holder is performing the occupation; and

(c) notify Immigration, in writing, as soon as practicable if an application for the authorisation is refused; and

(d) comply with each condition or requirement to which the authorisation is subject; and

(e) not engage in work that is inconsistent with the authorisation, including any conditions or requirements to which the authorisation is subject; and

(f) notify Immigration, in writing, as soon as practicable if the authorisation ceases to be in force or is revoked or cancelled.

8609 The holder must notify Immigration of a change to any of the following within 14 days after the change occurs:

(a) the holder's name;

(b) the holder's residential address;

(c) an email address of the holder;

(d) a phone number of the holder;

(e) the holder's passport details.

8610 (1) If the visa is a Subclass 485 (Temporary Graduate) visa in the Post-Higher Education Work stream that was granted on the basis that the holder met the requirements of clause 485.232 or 485.234 of Schedule 2, the holder, while in Australia, must live, work and study only in a part of Australia that was a regional centre or other regional area at the time the visa was granted.

(2) If the visa is a Subclass 485 (Temporary Graduate) visa granted on the basis of satisfying the secondary criteria in relation to a primary applicant mentioned in subclause (1), the holder, while in Australia, must live, work and study only in a part of Australia that was a regional centre or other regional area at the time the visa was granted.

(3) If the visa is a Subclass 485 (Temporary Graduate) visa in the Post-Higher Education Work stream that was granted on the basis that the holder met the requirements of clause 485.233 or 485.235 of Schedule 2, the holder, while in Australia, must live, work and study only in a part of Australia that was a designated regional area at the time the visa was granted.

(4) If the visa is a Subclass 485 (Temporary Graduate) visa granted on the basis of satisfying the secondary criteria in relation to a primary applicant mentioned in subclause (3), the holder, while in Australia, must live, work and study only in a

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part of Australia that was a designated regional area at the time the visa was granted.

8611 If the visa is a Subclass 403 visa in the Pacific Australia Labour Mobility stream, the holder:

(a) must not work other than:

(i) for the holder's sponsor in relation to the visa; or

(ii) for another person in accordance with an arrangement endorsed by a Department responsible for administering the scheme known as the Pacific Australia Labour Mobility scheme; and

(b) must not engage in work on the holder's own account.

8612 If the holder has been convicted of an offence involving a minor or any other vulnerable person, the holder:

(a) must, within 5 working days of the grant, notify Immigration of the full name, and date of birth, of each person who ordinarily resides with the holder at the holder's residential address; and

(b) must notify Immigration of any change in the persons who ordinarily reside with the holder at the holder's residential address within 2 working days after the change occurs.

8614 The holder must notify Immigration of any travel interstate or overseas by the holder at least 7 working days before undertaking the travel.

8615 (1) If the holder has been convicted of an offence involving a minor or any other vulnerable person, the holder must:

(a) within 5 working days of the grant, notify Immigration of the details of the holder's association with, or membership of, any organisation that engages in activities involving more than incidental contact with minors or any other vulnerable persons; and

(b) notify Immigration of any change in those details (including the beginning or end of any association or membership) within 2 working days after the change occurs.

(2) Subclause (1) does not apply in relation to the following:

(a) an organisation formed for a purpose of engaging in communications on governmental or political matters;

(b) an organisation whose regular functions or activities involve communications on governmental or political matters.

8616 (1) The holder must notify Immigration of the details of any contact with any individual who is known by the holder to have been charged with, or convicted of, a criminal offence.

(2) Subclause (1) does not apply to:

(a) contact in the course of attending a therapeutic or rehabilitative service; or

(b) contact in connection with legal proceedings or legal advice; or

(c) incidental contact.

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8617 The holder must notify Immigration of each of the following matters within 5 working days after the matter occurs:

(a) the holder receives, within any period of 30 days, an amount or amounts totalling AUD10 000 or more from one or more other persons;

(b) the holder transfers, within any period of 30 days, an amount or amounts totalling AUD10 000 or more to one or more other persons.

8618 (1) If the holder incurs a debt or debts totalling AUD10 000 or more, the holder must notify Immigration within 5 working days after the holder incurs the debt or debts.

(2) If the holder is declared bankrupt, the holder must notify Immigration within 5 working days after the holder is so declared.

(3) The holder must notify Immigration of any significant change in relation to the holder's debts or bankruptcy within 5 working days after the change occurs.

8620 (1) The holder must, between 10 pm on one day and 6 am the next day or between such other times as are specified in writing by the Minister, remain at a notified address for the holder for those days.

(2) If the Minister specifies other times for the purposes of subclause (1), the times must not be more than 8 hours apart.

(3) In this clause:

notified address for a holder for a particular day or days means any of the following:

(a) either:

(i) the address notified by the holder under condition 8513; or

(ii) if the holder has notified another address under condition 8625—the last address so notified by the holder;

(b) an address at which the holder stays regularly because of a close personal relationship with a person at that address, and which the holder has notified to Immigration for the purposes of this paragraph;

(c) if, for the purposes of this paragraph, the holder notifies Immigration of an address for that day or those days no later than 12 pm on the day before that day or the earliest day of those days (as the case may be)—that address.

8621 (1) The holder must wear a monitoring device at all times.

(2) The holder must allow an authorised officer to fit, install, repair or remove the following:

(a) the holder's monitoring device;

(b) any related monitoring equipment for the holder's monitoring device.

(3) The holder must take any steps specified in writing by the Minister, and any other reasonable steps, to ensure that the following remain in good working order:

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(a) the holder's monitoring device;
(b) any related monitoring equipment for the holder's monitoring device.

(4) If the holder becomes aware that either of the following is not in good working order:
(a) the holder's monitoring device;
(b) any related monitoring equipment for the holder's monitoring device;
the holder must notify an authorised officer of that as soon as practicable.

(5) In this clause:

monitoring device means any electronic device capable of being used to determine or monitor the location of a person or an object or the status of an object.

related monitoring equipment, for a monitoring device, means any electronic equipment necessary for operating the monitoring device.

8622 (1) If the holder has been convicted of an offence that involves a minor or any other vulnerable person, the holder must not perform any work, or participate in any regular organised activity, involving more than incidental contact with a minor or any other vulnerable person.

(2) Subclause (1) applies:
(a) whether the work or activity is for reward or otherwise; and
(b) whether or not a working with children or vulnerable people check (however described) is required in relation to the work.

8623 If the holder has been convicted of an offence that involves a minor or any other vulnerable person, the holder must not go within 200 metres of a school, childcare centre or day care centre.

8624 If the holder has been convicted of an offence involving violence or sexual assault, the holder must not contact, or attempt to contact, the victim of the offence or a member of the victim's family.

8625 The holder must notify the Minister of any change in the following:
(a) the holder's name;
(b) an address of the holder;
(c) a phone number of the holder;
(d) an email address of the holder;
within 2 working days after the change occurs.

8626 If the holder has been convicted of an offence involving a minor or any other vulnerable person, the holder must notify the Minister of any change in the following:
(a) an online profile used by the holder;
(b) a user name of the holder;
within 2 working days after the change occurs.

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Schedule 9—Special entry and clearance arrangements

(regulations 3.01, 3.03, 3.06 and 3.06A)

Part 1—Persons to whom special arrangements apply under section 166 of the Act

Column 1 Item	Column 2 Class of person	Column 3 Evidence of identity	Column 4 Passenger card required?
1	Members of the Royal Family	Passport	Yes
2	Members of the Royal party	Passport	Yes
4	SOFA forces members who arrive at an airport that is not a proclaimed port	Military identity documents and movement orders	No
5	SOFA forces members who arrive at an airport that is a proclaimed port	Military identity documents and movement orders	Yes
6	SOFA forces civilian component members who arrive at an airport that is not a proclaimed port	Passport and certificate that the person is a member of the civilian component of the armed forces of the relevant country	No
7	SOFA forces civilian component members who arrive at a proclaimed port	Passport and certificate that the person is a member of the civilian component of the armed forces of the relevant country	Yes
8	Asia-Pacific forces members arriving at an airport that is not a proclaimed port	Military identity documents and movement orders	No
9	Asia-Pacific forces members arriving at an airport that is a proclaimed port	Military identity documents and movement orders	Yes
10	Commonwealth forces members who arrive at an airport that is not a proclaimed port	Military identity documents and movement orders	No
11	Commonwealth forces members who arrive at an airport that is a proclaimed port	Military identity documents and movement orders	Yes

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Column 1 Item	Column 2 Class of person	Column 3 Evidence of identity	Column 4 Passenger card required?
12	Foreign armed forces dependants who arrive at an airport that is not a proclaimed port	A passport and either: (a) movement orders; or (b) a certificate that the person is a spouse, de facto partner or dependant of a member of the armed forces, or the civilian component of the armed forces of the relevant country, and is accompanying or joining that member	No
13	Foreign armed forces dependants who arrive at an airport that is a proclaimed port	A passport and either: (a) movement orders; or (b) a certificate that the person is a spouse, de facto partner or dependant of a member of the armed forces, or the civilian component of the armed forces of the relevant country, and is accompanying or joining that member	Yes
14	Airline crew members	Passport and either: (a) a valid airline identity card; or (b) for a person who is an aircraft safety inspector: (i) a valid government identity document showing that he or she is employed by a foreign government; or (ii) an ICAO Safety Inspector Certificate	No
15	Airline positioning crew members	Passport and a letter from the person's employer certifying that the person is an aircrew member and setting out the purpose of travel and the arrangements for the person to leave Australia	Yes
17	Non-citizen in respect of whom the Minister has made a declaration under paragraph 33(2)(b) of the Act	Passport	Yes
21	Persons holding an Electronic Travel Authority (Class UD) visa	A passport that is an ETA-eligible passport in relation to the Subclass of the Electronic Travel Authority (Class UD) visa held by the person	Yes

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Column 1 Item	Column 2 Class of person	Column 3 Evidence of identity	Column 4 Passenger card required?
22	Person referred to in paragraph 1223A(1)(c) of Schedule 1, as in force before 23 March 2013, who holds a Temporary Business Entry (Class UC) visa	(a) a passport of a designated APEC economy; or (b) in the case of a permanent resident of Hong Kong—any valid passport	Yes
22A	Persons holding a Subclass 600 (Visitor) visa granted on the basis of an application which was taken to have been validly made under regulation 2.07AA	(a) a passport of a designated APEC economy; or (b) in the case of a permanent resident of Hong Kong—any valid passport	Yes
23	Persons holding: (a) a visa granted on the basis of an Internet application; and (b) either: (i) a passport of a kind specified by the Minister in an instrument in writing for paragraph 1218(3)(d) of Schedule 1, as in force before 23 March 2013; or (ii) a passport of a kind specified by the Minister in an instrument in writing for subparagraph 1218(1)(b)(ii) of Schedule 1; or (iii) a passport of a kind specified by the Minister in an instrument in writing for item 1 of the table in subitem 1236(4) of Schedule 1; or (iv) a working holiday eligible passport within the meaning of subitem 1225(5) of Schedule 1	The passport mentioned in column 2	Yes
24	Persons holding a Visitor (Class TV) visa	A passport that is an eVisitor eligible passport in relation to the Subclass of the Visitor (Class TV) visa held by the person	Yes

Note: Paragraph 33(2)(b) of the Act authorises the Minister to declare that persons, or persons in a particular class, are taken to have been granted special purpose visas.

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Part 2—Persons not required to comply with section 166 of the Act

1 Transit passengers:
- (a) who belong to a class of persons specified in a legislative instrument made by the Minister for the purposes of paragraph 2.40(1)(n); and
- (b) who do not leave the airport transit lounge except to continue their journey

1A A person:
- (a) to whom section 10 applies; and
- (b) who has not left the migration zone.

Note: Section 10 of the Act provides that a child who was born in the migration zone, and was a non-citizen when he or she was born, is taken to have entered Australia at birth. This item ensures that a newborn child is not required to give evidence of identity at the time of birth in the migration zone.

2 Persons visiting Macquarie Island, if permission for the visit has been granted in writing before the visit by the Secretary to the Department of Primary Industries, Parks, Water and Environment of the State of Tasmania

3 Australian citizens who form part of an Australian National Antarctic Research Expedition from an Australian Antarctic station, and who are returning to Australia on board a vessel owned or chartered by the Commonwealth

4 SOFA forces members who:
- (a) enter Australia at a seaport; and
- (b) hold military identity documents and movement orders issued from an official source of the relevant country; and
- (c) are travelling to Australia in the course of their duty

5 Asia-Pacific forces members who:
- (a) enter Australia at a seaport; and
- (b) hold military identity documents and movement orders issued from an official source of the relevant country; and
- (c) are travelling to Australia in the course of their duty

6 Commonwealth forces members who:
- (a) enter Australia at a seaport; and
- (b) hold military identity documents and movement orders issued from an official source of the relevant country; and
- (c) are travelling to Australia in the course of their duty

7 Foreign naval forces members, if permission to enter the migration zone for the vessel of which they form part of the complement was given in advance by the Australian Government

8 Guests of Government

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9 Indonesian traditional fishermen who have prescribed status under regulation 2.40

10 A designated foreign dignitary

Note: See regulation 3.06A.

11 A person:

(a) who is an Australian citizen, or holds one of the following types of visa that is in effect:
  (i) a permanent visa;
  (ii) a Subclass 400 (Temporary Work (Short Stay Specialist)) visa;
  (iii) a Subclass 457 (Temporary Work (Skilled)) visa;
  (iiia) a Subclass 482 (Skills in Demand) visa;
  (iv) a Subclass 482 (Temporary Skill Shortage) visa; and
(b) who is taken to enter Australia because paragraph 9A(3)(c) of the Act is satisfied in respect of the person; and
(c) whose entry has been reported in writing to Immigration

12 A person:

(a) who holds a Subclass 988 (Maritime Crew) visa; and
(b) who is a petroleum export tanker crew member; and
(c) who is taken to enter Australia because paragraph 9A(3)(c) of the Act is satisfied in respect of the person; and
(d) whose entry has been reported in writing to Immigration

13 A person who:

(a) is employed or engaged by an international air carrier as an aircrew member; and
(b) enters Australia in the course of the person's employment or engagement as an aircrew member of an international passenger aircraft; and
(c) will depart Australia in the course of the person's employment or engagement as an aircrew member of the aircraft within 90 minutes of the person's entry into Australia; and
(d) does not leave the airport transit lounge except to continue the person's journey.

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Schedule 10—Prescribed forms

(regulation 1.03)

Form 1—Search Warrant—Valuables

(subregulation 5.32 (1))

COMMONWEALTH OF AUSTRALIA

Migration Act 1958

Search Warrant—Valuables

To (*insert name of officer and capacity by virtue of which he or she is an officer within the meaning of the Act*).

I, (*name*), the Secretary [*or* a delegate of the Secretary] of the Department of Home Affairs, authorise you, (*insert name of officer*), under subsection 223(14) of the *Migration Act 1958* (the Act), at any time of the day or night, with such assistance, and using such reasonable force, as you think necessary:

(a) to enter and search any building, premises, vehicle, vessel or place in which you have reasonable cause to believe there may be found any valuables to which a notice in force under section 223 of the Act relates; and

(b) to seize any such valuables found in the course of such a search;

and for the purposes of the exercise of the foregoing powers, to stop any vehicle.

And for doing so this shall be your sufficient warrant.

This warrant remains in force for the period commencing on 20
and ending on 20 .

Dated 20 .

Secretary [*or* Delegate]

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Form 2—Search warrant

(subregulation 5.32 (2))

COMMONWEALTH OF AUSTRALIA

Migration Act 1958

Search Warrant

To *(insert name of officer and capacity by virtue of which he or she is an officer within the meaning of the Act)*.

I, (*name*), the Secretary [*or* a delegate of the Secretary] of the Department of Home Affairs or the Australian Border Force Commissioner [*or* a delegate of the Australian Border Force Commissioner], authorise you, under subsection 251(4) of the *Migration Act 1958* (the Act), at any time of the day or night, with such assistance as you think necessary, to enter and search any building, premises, vehicle, vessel or place in which you have reasonable cause to believe there may be found:

(a) an unlawful non-citizen, a removee or a deportee, within the meaning of the Act; or

(b) a person to whom a temporary visa under the Act has been issued subject to a condition with respect to the work to be performed by that person; or

(c) any document, book or paper relating to the entry or proposed entry into Australia of a person in circumstances in which that person:

  (i) would have become a prohibited immigrant within the meaning of the Act as in force from time to time before the commencement of the *Migration Amendment Act 1983*; or

  (ii) would have become a prohibited non-citizen within the meaning of the Act as in force from time to time after the commencement of the *Migration Amendment Act 1983* but before the commencement of section 4 of the *Migration Legislation Amendment Act 1989*; or

  (iii) would have become an illegal entrant within the meaning of the Act as in force from time to time after the commencement of section 4 of the *Migration Legislation Amendment Act 1989* but before commencement of section 7 of the *Migration Reform Act 1992*; or

  (iv) would have become, or would become, an unlawful non-citizen; or

(d) any passport or document of identity of, or any ticket for the conveyance from a place within Australia to a place outside Australia of, an unlawful non-citizen, a removee or a deportee, within the meaning of the Act;

and to seize any such document, book, paper, passport, document of identity or ticket, as the case may be, and to impound and detain it for such time as you think necessary, and for the purposes of the exercise of the foregoing powers to stop any vessel or vehicle and to use such reasonable force as is necessary.

And for doing so this shall be your sufficient warrant.

This warrant remains in force for the period commencing on 20
and ending on 20 .

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Dated 20 .

…… Secretary or Australian Border Force Commissioner [*or* Delegate]

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Schedule 13—Transitional arrangements

(regulation 5.45)

Part 1—Amendments made by Migration Amendment Regulation 2012 (No. 2)

101 Operation of Schedule 1

(1) The amendments of these Regulations made by Schedule 1 to the *Migration Amendment Regulation 2012 (No. 2)* apply in relation to:

(a) an application for a visa made on or after 1 July 2012; and

(b) an application for approval of a nomination made on or after 1 July 2012.

(2) However, the repeal of a provision of these Regulations by Schedule 1 to that regulation does not apply in relation to an application for a visa that is taken to have been made by a person before, on or after 1 July 2012 in accordance with regulation 2.08, 2.08A or 2.08B of these Regulations.

(3) Despite subregulations 5.19(1) to (7), an application to the Minister for approval of a nominated position as an approved appointment made before 1 July 2012 is to be dealt with in accordance with these Regulations as in force immediately before that day.

Note: Regulation 5.19 was amended on 1 July 2012, including changes to terminology and concepts that had been used in that regulation before that day.

102 Operation of Schedule 2

(1) The amendments of these Regulations made by Schedule 2 to the *Migration Amendment Regulation 2012 (No. 2)* apply in relation to an application for a visa made on or after 1 July 2013.

(2) However, the repeal of a provision of these Regulations by Schedule 2 to that regulation does not apply in relation to an application for a visa that is taken to have been made by a person before, on or after 1 July 2013 in accordance with regulation 2.08, 2.08A or 2.08B of these Regulations.

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Part 2—Amendments made by Migration Legislation Amendment Regulation 2012 (No. 2)

201 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Migration Legislation Amendment Regulation 2012 (No. 2)* apply in relation to a matter for which an obligation to pay a fee or charge is incurred on or after 1 July 2012.

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Part 3—Amendments made by Migration Amendment Regulation 2012 (No. 3)

301 Operation of Schedule 1

(1) The amendments of these Regulations made by Schedule 1 to the *Migration Amendment Regulation 2012 (No. 3)* apply in relation to an application for a visa made on or after 1 July 2012.

(2) However, the repeal or amendment of a provision of these Regulations by Schedule 1 to that regulation does not apply in relation to an application for a visa that is taken to have been made by a person before, on or after 1 July 2012 in accordance with regulation 2.08 or 2.08B of these Regulations.

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Part 4—Amendments made by Migration Legislation Amendment Regulation 2012 (No. 3)

401 Operation of amendments

The amendments of these Regulations made by Schedules 1 and 2 to the *Migration Legislation Amendment Regulation 2012 (No. 3)* apply in relation to an application for a visa made on or after 1 July 2012.

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Part 5—Amendments made by Migration Amendment Regulation 2012 (No. 5)

501 Operation of Schedule 1

(1) The amendments of these Regulations made by items [1] to [7], [10], [11], [14] to [16] and [18] to [20] of Schedule 1 to the *Migration Amendment Regulation 2012 (No. 5)* apply in relation to an application for a visa made on or after the day that regulation commences.

(2) The amendments of these Regulations made by items [8], [9], [12], [13], [17] and [21] of Schedule 1 to the *Migration Amendment Regulation 2012 (No. 5)* apply in relation to an application for a visa:

(a) made, but not finally determined, before the day that regulation commences; and

(b) made on or after the day that regulation commences.

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Part 6—Amendments made by the Migration Legislation Amendment Regulation 2012 (No. 4)

601 Operation of Schedule 1

(1) The amendments of these Regulations made by Schedule 1 to the *Migration Legislation Amendment Regulation 2012 (No. 4)* apply in relation to an application made on or after 24 November 2012 for:
  (a) a visa; or
  (b) approval as a sponsor; or
  (c) approval of a nomination; or
  (d) the variation of the terms of an approval as a sponsor.

(2) However, the amendments made by Schedule 1 do not apply in relation to an application for a visa that is taken to have been made by a person before, on or after 24 November 2012 in accordance with regulation 2.08 of these Regulations.

602 Operation of Schedule 2

The amendments of these Regulations made by Schedule 2 to the *Migration Legislation Amendment Regulation 2012 (No. 4)* apply in relation to:
  (a) an application for:
    (i) a visa; or
    (ii) approval as a sponsor; or
    (iii) approval of a nomination;
    made before 24 November 2012 but not finally determined before that date; and
  (b) an application made on or after 24 November 2012 for a visa.

603 Operation of Schedule 3

(1) The amendments of these Regulations made by Schedule 3 to the *Migration Legislation Amendment Regulation 2012 (No. 4)* apply in relation to an application made on or after 24 November 2012 for:
  (a) a visa; or
  (b) approval as a sponsor.

(2) However, the amendments made by Schedule 3 do not apply in relation to an application made on or after 24 November 2012 for a visa made by a person seeking to satisfy the secondary criteria for the grant of the visa.

(3) Also, the amendments made by Schedule 3 do not apply in relation to an application made on or after 24 November 2012 for approval as a sponsor made in relation to an application for a visa made by a person seeking to satisfy the secondary criteria for the grant of the visa.

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Part 7—Amendments made by Migration Legislation Amendment Regulation 2012 (No. 5)

701 Operation of amendments

(1) The amendments of these Regulations made by Schedule 1 to the *Migration Legislation Amendment Regulation 2012 (No. 5)* apply in relation to an application made on or after 24 November 2012 for a visa by a person seeking to satisfy the secondary criteria for the grant of a Subclass 422 (Medical Practitioner) visa.

(2) The amendments of these Regulations made by Schedule 2 to the *Migration Legislation Amendment Regulation 2012 (No. 5)* apply in relation to an application for a visa made on or after 24 November 2012.

(3) The amendments of these Regulations made by Schedule 3 to the *Migration Legislation Amendment Regulation 2012 (No. 5)* apply in relation to an application for a visa made on or after 24 November 2012.

(4) The amendments of these Regulations made by Schedule 4 to the *Migration Legislation Amendment Regulation 2012 (No. 5)* apply in relation to an application for a visa:
  (a) made, but not finally determined, before 24 November 2012; or
  (b) made on or after 24 November 2012.

(5) The amendments of these Regulations made by Schedule 5 to the *Migration Legislation Amendment Regulation 2012 (No. 5)* apply in relation to a request to be given a prescribed form of evidence of a visa made on or after 24 November 2012.

(6) The amendments of these Regulations made by Schedule 6 to the *Migration Legislation Amendment Regulation 2012 (No. 5)* apply in relation to an application for a visa made, but not finally determined, before 24 November 2012 if both of the following apply:
  (a) on or after 24 November 2012, the alleged victim, or another person on the alleged victim's behalf, has provided a statutory declaration under regulation 1.25;
  (b) the alleged victim, or another person on the alleged victim's behalf, has not previously provided a statutory declaration under regulation 1.25 in relation to that application.

(7) The amendments of these Regulations made by Schedule 6 to the *Migration Legislation Amendment Regulation 2012 (No. 5)* apply in relation to an application for a visa made on or after 24 November 2012.

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Part 8—Amendments made by Migration Amendment Regulation 2012 (No. 7)

801 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Migration Amendment Regulation 2012 (No. 7)* apply in relation to an application for a visa made on or after 24 November 2012.

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Part 10—Amendments made by the Migration Amendment Regulation 2012 (No. 8)

1001 Operation of amendments

(1) The amendments of these Regulations made by Schedule 1 to the *Migration Amendment Regulation 2012 (No. 8)* apply in relation to a bridging visa to which the following apply:

(a) the visa is held on the basis of an application, or a purported application, for merits review;

(b) on 1 January 2013, the final review authority in relation to that merits review had not yet notified the holder of the bridging visa:

(i) of its decision on the merits review; or

(ii) that the application for merits review was not made in accordance with the law governing the making of applications to that review authority.

(2) The amendments of these Regulations made by Schedule 1 to the *Migration Amendment Regulation 2012 (No. 8)* also apply in relation to a bridging visa that is held on the basis of an application, or a purported application, for merits review made on or after 1 January 2013.

(3) The amendments of these Regulations made by Schedule 1 to the *Migration Amendment Regulation 2012 (No. 8)* also apply in relation to a bridging visa:

(a) that is held on the basis of an application for a substantive visa:

(i) made, but not finally determined, before 1 January 2013; or

(ii) made on or after 1 January 2013; and

(b) to which subclause (1) or (2) does not apply.

(4) The amendments of these Regulations made by Schedule 2 to the *Migration Amendment Regulation 2012 (No. 8)* apply in relation to an application for a visa made on or after 1 January 2013.

(5) The amendments of these Regulations made by Schedule 3 to the *Migration Amendment Regulation 2012 (No. 8)* apply in relation to an application for a visa:

(a) made, but not finally determined, before 1 January 2013; or

(b) made on or after 1 January 2013.

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Part 12—Amendments made by the Migration Amendment Regulation 2013 (No. 1)

1201 Operation of Schedules 1 to 7

The amendments of these Regulations made by Schedules 1 to 7 to the *Migration Amendment Regulation 2013 (No. 1)* apply in relation to an application for a visa made on or after 23 March 2013.

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Part 13—Amendments made by the Migration Legislation Amendment Regulation 2013 (No. 1)

1301 Operation of Schedule 1

(1) The amendments of these Regulations made by items 1 and 2 of Schedule 1 to the *Migration Legislation Amendment Regulation 2013 (No. 1)* apply in relation to an application for review to the Migration Review Tribunal made on or after 1 July 2013.

(2) The amendments of these Regulations made by items 3 and 4 of Schedule 1 to the *Migration Legislation Amendment Regulation 2013 (No. 1)* apply in relation to an application for review to the Refugee Review Tribunal made on or after 1 July 2013.

1302 Operation of Schedule 2

(1) The amendments of these Regulations made by items 1 to 5 and 8 to 22 of Schedule 2 to the *Migration Legislation Amendment Regulation 2013 (No. 1)* apply in relation to an application for a visa made on or after 23 March 2013.

(2) The amendments of these Regulations made by items 6 and 7 of Schedule 2 to the *Migration Legislation Amendment Regulation 2013 (No. 1)* apply in relation to an application for a visa:
  (a) made, but not finally determined, before 23 March 2013; or
  (b) made on or after 23 March 2013.

1303 Operation of Schedule 3

(1) The repeal of subparagraph 2.43(2)(b)(i) by item 2 of Schedule 3 to the *Migration Legislation Amendment Regulation 2013 (No. 1)* does not apply in relation to a person who:
  (a) holds a student visa; and
  (b) was sent a notice of proposed cancellation of the visa under section 119 of the Act for non-compliance with visa condition 8104 or 8105 before 13 April 2013.

(2) The repeal of subparagraph 2.43(2)(b)(ii) by item 2 of Schedule 3 to the *Migration Legislation Amendment Regulation 2013 (No. 1)* does not apply in relation to a person who:
  (a) holds a student visa; and
  (b) was sent:
    (i) a notice of proposed cancellation of the visa under section 119 of the Act for non-compliance with visa condition 8202 before 13 April 2013; or

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(ii) a notice under section 20 of the *Education Services for Overseas Students Act 2000* for non-compliance with visa condition 8202 in relation to the visa.

1304 Operation of Schedule 4

(1) The amendments of these Regulations made by Schedule 4 to the *Migration Legislation Amendment Regulation 2013 (No. 1)* apply in relation to an application to the Migration Review Tribunal or the Refugee Review Tribunal if the decision to which the application relates is made on or after 1 July 2013.

(2) The amendments of these Regulations made by Schedule 4 to the *Migration Legislation Amendment Regulation 2013 (No. 1)* also apply in relation to:

(a) a notice to appear before the Migration Review Tribunal or the Refugee Review Tribunal issued on or after 1 July 2013; and

(b) an invitation to provide comments or information to the Migration Review Tribunal or the Refugee Review Tribunal made on or after 1 July 2013; and

(c) an extension of time given by the Migration Review Tribunal or the Refugee Review Tribunal on or after 1 July 2013.

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Part 14—Amendments made by Migration Amendment Regulation 2013 (No. 2)

1401 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Migration Amendment Regulation 2013 (No. 2)* apply in relation to an application for a visa made on or after 1 June 2013.

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Part 15—Amendments made by the Migration Legislation Amendment Regulation 2013 (No. 2)

1501 Operation of Schedule 1

(1) The amendments of these Regulations made by items 2, 3 and 4 of Schedule 1 to the *Migration Legislation Amendment Regulation 2013 (No. 2)* apply in relation to an application for a visa made on or after 1 June 2013.

(2) The amendments of these Regulations made by Schedule 2 to the *Migration Legislation Amendment Regulation 2013 (No. 2)* apply in relation to an application for a visa made on or after 1 July 2013.

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Part 16—Amendments made by the Migration Amendment (Permanent Protection Visas) Regulation 2013

1601 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Migration Amendment (Permanent Protection Visas) Regulation 2013* apply in relation to a visa granted on or after 3 June 2013.

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Part 16A—Amendments made by the Migration Amendment (Subclass 050 and Subclass 051 Visas) Regulation 2013

16A01 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Migration Amendment (Subclass 050 and Subclass 051 Visas) Regulation 2013* apply on and after the day that regulation commences.

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Part 17—Amendments made by the Migration Amendment (Visa Application Charge and Related Matters) Regulation 2013

1701 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Migration Amendment (Visa application Charge and Related Matters) Regulation 2013* apply in relation to an application for a visa made on or after 1 July 2013.

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Part 19—Amendments made by the Migration Legislation Amendment Regulation 2013 (No. 3)

1901 Operation of Schedule 1

(1) The amendments of these Regulations made by items 1 and 2 of Schedule 1 to the *Migration Legislation Amendment Regulation 2013 (No. 3)* apply in relation to an application for approval as a sponsor, or for the variation of the terms of approval as a sponsor:
  (a) made, but not finally determined, before 1 July 2013; or
  (b) made on or after 1 July 2013.

(2) The amendments of these Regulations made by item 3 of Schedule 1 to the *Migration Legislation Amendment Regulation 2013 (No. 3)* apply in relation to a nomination under subsection 140GB(1) of the Act:
  (a) made, but not finally determined, before 1 July 2013; or
  (b) made on or after 1 July 2013.

(3) The amendments of these Regulations made by items 4 to 6 of Schedule 1 to the *Migration Legislation Amendment Regulation 2013 (No. 3)* apply in relation to a person who is or was a standard business sponsor on or after 1 July 2013.

1902 Operation of Schedule 2

The amendments of these Regulations made by Schedule 2 to the *Migration Legislation Amendment Regulation 2013 (No. 3)* apply in relation to:
  (a) an application for approval as a sponsor made on or after 1 July 2013; and
  (b) an application for a variation of a term of an approval as a sponsor made on or after 1 July 2013; and
  (c) a nomination under subsection 140GB(1) of the Act made on or after 1 July 2013; and
  (d) an application for a visa made on or after 1 July 2013.

1903 Operation of Schedule 3

(1) The amendments of these Regulations made by item 1 of Schedule 3 to the *Migration Legislation Amendment Regulation 2013 (No. 3)* apply in relation to:
  (a) a nomination under subsection 140GB(1) of the Act made on or after 1 July 2013; and
  (b) a nomination under regulation 5.19 made on or after 1 July 2013; and
  (c) an application for a visa made on or after 1 July 2013.

(2) The amendments of these Regulations made by items 2 and 3 of Schedule 3 to the *Migration Legislation Amendment Regulation 2013 (No. 3)* apply in relation to an application for a visa:

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(a) made, but not finally determined, before 1 July 2013; or
(b) made on or after 1 July 2013.

(3) The amendments of these Regulations made by item 4 of Schedule 3 to the *Migration Legislation Amendment Regulation 2013 (No. 3)* apply on and after 1 July 2013.

(4) The amendments of these Regulations made by items 5 and 6 of Schedule 3 to the *Migration Legislation Amendment Regulation 2013 (No. 3)* apply in relation to:
(a) an application for approval as a sponsor:
(i) made, but not finally determined, before 1 July 2013; or
(ii) made on or after 1 July 2013; and
(b) an application for a variation of a term of an approval as a sponsor:
(i) made, but not finally determined, before 1 July 2013; or
(ii) made on or after 1 July 2013.

(5) The amendments of these Regulations made by items 7, 8 and 9 of Schedule 3 to the *Migration Legislation Amendment Regulation 2013 (No. 3)* apply in relation to a nomination under subsection 140GB(1) of the Act:
(a) made, but not finally determined, before 1 July 2013; or
(b) made on or after 1 July 2013.

(6) The amendments of these Regulations made by item 10 of Schedule 3 to the *Migration Legislation Amendment Regulation 2013 (No. 3)* apply in relation to a nomination under regulation 5.19 made on or after 1 July 2013.

(7) The amendments of these Regulations made by items 11 to 20 of Schedule 3 to the *Migration Legislation Amendment Regulation 2013 (No. 3)* apply in relation to an application for a visa:
(a) made, but not finally determined, before 1 July 2013; or
(b) made on or after 1 July 2013.

(8) The amendments of these Regulations made by items 21 and 22 of Schedule 3 to the *Migration Legislation Amendment Regulation 2013 (No. 3)* apply in relation to a visa that is:
(a) in effect on 1 July 2013; or
(b) granted on or after 1 July 2013.

1904 Operation of Schedule 4

The amendments of these Regulations made by item 4 of Schedule 4 to the *Migration Legislation Amendment Regulation 2013 (No. 3)* apply in relation to a payment made for the purposes of the Act or these Regulations on or after 1 July 2013.

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1905 Operation of Schedule 5

The amendments of these Regulations made by Schedule 5 to the *Migration Legislation Amendment Regulation 2013 (No. 3)* apply in relation to an application for a visa made on or after 1 July 2013.

1906 Operation of Schedule 6

(1) The amendments of these Regulations made by item 1 of Schedule 6 to the *Migration Legislation Amendment Regulation 2013 (No. 3)* apply in relation to an application for approval of a nomination made on or after 1 July 2013.

(2) The amendments of these Regulations made by item 2 of Schedule 6 to the *Migration Legislation Amendment Regulation 2013 (No. 3)* apply in relation to an application for a visa made on or after 1 July 2013.

1907 Operation of Schedule 7

The amendments of these Regulations made by Schedule 7 to the *Migration Legislation Amendment Regulation 2013 (No. 3)* apply in relation to an application for a visa:

(a) made, but not finally determined, before 1 July 2013; or

(b) made on or after 1 July 2013.

1908 Operation of Schedule 8

The amendments of these Regulations made by Schedule 8 to the *Migration Legislation Amendment Regulation 2013 (No. 3)* apply in relation to a request made for regulation 2.08A or 2.08B on or after 1 July 2013.

1909 Operation of Schedule 9

The amendments of these Regulations made by Schedule 9 to the *Migration Legislation Amendment Regulation 2013 (No. 3)* apply in relation to an application for a visa:

(a) made, but not finally determined, before 1 July 2013; or

(b) made on or after 1 July 2013.

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Part 20—Amendments made by the Migration Amendment Regulation 2013 (No. 5)

2001 Operation of Schedule 1

(1) The amendments of these Regulations made by item 1 of Schedule 1 to the *Migration Amendment Regulation 2013 (No. 5)* apply in relation to:
  (a) an application for approval as a sponsor that:
    (i) was made before 1 July 2013; and
    (ii) had not been finally determined before 1 July 2013; and
  (b) an application for approval as a sponsor made on or after 1 July 2013.

(2) The amendments of these Regulations made by item 2 of Schedule 1 to the *Migration Amendment Regulation 2013 (No. 5)* apply in relation to:
  (a) an application for variation of a term of approval as a sponsor that:
    (i) was made before 1 July 2013; and
    (ii) had not been finally determined before 1 July 2013; and
  (b) an application for variation of a term of approval as a sponsor made on or after 1 July 2013.

(3) The amendments of these Regulations made by item 3 of Schedule 1 to the *Migration Amendment Regulation 2013 (No. 5)* apply in relation to:
  (a) a nomination under subsection 140GB(1) of the Act:
    (i) made before 1 July 2013; and
    (ii) not finally determined before 1 July 2013; and
  (b) a nomination under subsection 140GB(1) of the Act made on or after 1 July 2013.

(4) The amendments of these Regulations made by item 4 of Schedule 1 to the *Migration Amendment Regulation 2013 (No. 5)* apply in relation to a standard business sponsor on and after 1 July 2013.

(5) The amendments of these Regulations made by item 5 of Schedule 1 to the *Migration Amendment Regulation 2013 (No. 5)* apply in relation to a standard business sponsor, or a former standard business sponsor, on and after 1 July 2013.

(6) The amendments of these Regulations made by items 6, 7 and 9 of Schedule 1 to the *Migration Amendment Regulation 2013 (No. 5)* apply in relation to a standard business sponsor, or a former standard business sponsor, on and after 1 July 2013.

(7) The amendments of these Regulations made by item 8 of Schedule 1 to the *Migration Amendment Regulation 2013 (No. 5)* apply on and after 1 July 2013.

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(8) The amendments of these Regulations made by item 10 of Schedule 1 to the *Migration Amendment Regulation 2013 (No. 5)* apply in relation to a visa that is:
  (a) in effect on 1 July 2013; or
  (b) granted on or after 1 July 2013.

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Part 22—Amendments made by the Migration Amendment (Skills Assessment) Regulation 2013

2201 Operation of Schedule 1

(1) The amendments of these Regulations made by items [5] to [7] of Schedule 1 to the *Migration Amendment (Skills Assessment) Regulation 2013* apply in relation to an application for a visa made on or after 28 October 2013.

(2) The amendments of these Regulations made by items [2] to [4] and [8] to [11] of Schedule 1 to the *Migration Amendment (Skills Assessment) Regulation 2013* apply in relation to an application for a visa made on or after 28 October 2013 as a result of an invitation in writing on or after 28 October 2013 by the Minister to apply for the visa.

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Part 23—Amendments made by the Migration Amendment (Visa Application Charge and Related Matters No. 2) Regulation 2013

2301 Operation of Schedule 1

(1) The amendments of these Regulations made by items 1 and 2 of Schedule 1 to the *Migration Amendment (Visa Application Charge and Related Matters No. 2) Regulation 2013* apply in relation to a nomination under subsection 140GB(1) of the Act:

(a) made, but not finally determined, before 23 November 2013; or

(b) made on or after 23 November 2013.

(2) The amendments of these Regulations made by items 7 and 8 of Schedule 1 to the *Migration Amendment (Visa Application Charge and Related Matters No. 2) Regulation 2013* apply in relation to a visa application:

(a) made, but not finally determined, before 23 November 2013; or

(b) made on or after 23 November 2013.

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Part 24—Amendments made by the Migration Amendment (Internet Applications and Related Matters) Regulation 2013

2401 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Migration Amendment (Internet Applications and Related Matters) Regulation 2013* apply in relation to an application for a visa made on or after 23 November 2013.

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Part 25—Amendments made by the Migration Amendment (Bridging Visas—Code of Behaviour) Regulation 2013

2501 Operation of Schedule 1

(1) The amendment of these Regulations made by item 1 of Schedule 1 to the *Migration Amendment (Bridging Visas—Code of Behaviour) Regulation 2013* applies in relation to an application for a visa made on or after 14 December 2013.

(2) The amendments of these Regulations made by items 2 to 6 of Schedule 1 to the *Migration Amendment (Bridging Visas—Code of Behaviour) Regulation 2013* apply in relation to an application for a visa:

(a) made, but not finally determined, before 14 December 2013; or

(b) made on or after 14 December 2013.

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Part 27—Amendments made by the Migration Amendment (2014 Measures No. 1) Regulation 2014

2701 Operation of Schedules 1 to 3

The amendments of these Regulations made by Schedules 1 to 3 to the *Migration Amendment (2014 Measures No. 1) Regulation 2014* apply in relation to the following applications for a visa:

(a) an application made, but not finally determined, before 22 March 2014;

(b) an application made on or after 22 March 2014.

2702 Operation of Schedule 4

The amendment of these Regulations made by Schedule 4 to the *Migration Amendment (2014 Measures No. 1) Regulation 2014* applies in relation to a person covered by a residence determination on or after 22 March 2014.

2703 Operation of Schedule 5

The amendments of these Regulations made by Schedule 5 to the *Migration Amendment (2014 Measures No. 1) Regulation 2014* apply in relation to:

(a) the following applications for a visa:

(i) an application made, but not finally determined, before 22 March 2014;

(ii) an application made on or after 22 March 2014; and

(b) the following nominations by an approved sponsor under section 140GB of the Act:

(i) a nomination made, but not finally determined, before 22 March 2014;

(ii) a nomination made on or after 22 March 2014.

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Part 28—Amendments made by the Migration Amendment (Redundant and Other Provisions) Regulation 2014

2801 Operation of Schedule 1

(1) The amendments of these Regulations made by Parts 1, 3, 4, 5 and 7 of Schedule 1 to the *Migration Amendment (Redundant and Other Provisions) Regulation 2014* (the ***amending regulation***) apply in relation to an application for a visa made on or after 22 March 2014.

(2) Despite the repeal of provisions of these Regulations by Part 1, 3, 4, 5 or 7 of the amending regulation, those provisions, as in force immediately before those repeals, continue to apply in relation to an application for a visa if:

(a) the visa application is taken to have been made by a person before, on or after 22 March 2014 in accordance with regulation 2.08, 2.08A or 2.08B; and

(b) for an application taken to have been made in accordance with regulation 2.08—the non-citizen mentioned in paragraph 2.08(1)(a) applied for his or her visa before 22 March 2014; and

(c) for an application taken to have been made in accordance with regulation 2.08A or 2.08B—the original applicant mentioned in paragraph 2.08A(1)(a) or 2.08B(1)(a), as the case requires, applied for his or her visa before 22 March 2014.

(3) Despite the repeal of Division 2.7 of these Regulations by Part 1 of Schedule 1 to the amending regulation, that Division, as in force immediately before that repeal, continues to apply after 22 March 2014 to an assurance of support accepted by the Minister before 1 July 2004.

(4) The amendments of these Regulations made by Part 6 of Schedule 1 to the amending regulation apply in relation the following applications for a visa:

(a) an application made, but not finally determined, before 22 March 2014;

(b) an application made on or after 22 March 2014.

(5) If:

(a) an instrument is in force immediately before the commencement of Part 2 of Schedule 1 to the amending regulation; and

(b) the instrument was made (whether wholly or partly) under a provision amended by that Part;

then, the instrument has effect after that commencement as if it had been made under that provision as amended.

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Part 29—Amendments made by the Migration Amendment (Credit Card Surcharge) Regulation 2014

2901 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Migration Amendment (Credit Card Surcharge) Regulation 2014* apply in relation to the payment of an instalment, or part of an instalment, of visa application charge made on or after 19 April 2014.

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Part 31—Amendments made by the Migration Legislation Amendment (2014 Measures No. 1) Regulation 2014

3101 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Migration Legislation Amendment (2014 Measures No. 1) Regulation 2014* apply in relation to a request under section 70 of the Act for evidence of a visa, made on or after 1 July 2014.

3102 Operation of Schedules 2 and 3

The amendments of these Regulations made by Schedules 2 and 3 to the *Migration Legislation Amendment (2014 Measures No. 1) Regulation 2014* apply in relation to an application for a visa made on or after 1 July 2014.

3103 Operation of Schedule 5

The amendments of these Regulations made by Schedule 5 to the *Migration Legislation Amendment (2014 Measures No. 1) Regulation 2014* apply in relation to the following applications for a visa:

(a) an application made, but not finally determined, before 1 July 2014;

(b) an application made on or after 1 July 2014.

3104 Operation of Schedule 7

The amendments of these Regulations made by Schedule 7 to the *Migration Legislation Amendment (2014 Measures No. 1) Regulation 2014* apply on and after 1 July 2014 in relation to an infringement notice served before, on or after that date.

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Part 32—Amendments made by the Migration Amendment (Credit Card Surcharge Additional Measures) Regulation 2014

3201 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Migration Amendment (Credit Card Surcharge Additional Measures) Regulation 2014* apply in relation to a payment of a fee or charge on or after 1 July 2014.

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Part 33—Amendments made by the Migration Amendment (Temporary Graduate Visas) Regulation 2014

3301 Operation of Part 1 of Schedule 1

The amendments of these Regulations made by Part 1 of Schedule 1 to the *Migration Amendment (Temporary Graduate Visas) Regulation 2014* apply in relation to the following applications for a visa:

(a) an application made on or after 1 July 2014, but not finally determined before 6 October 2014;

(b) an application made on or after 6 October 2014.

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Part 34—Amendments made by the Migration Amendment (Bridging Visas) Regulation 2014

3401 Operation of Part 1 of Schedule 1

The amendments of these Regulations made by Part 1 of Schedule 1 to the *Migration Amendment (Bridging Visas) Regulation 2014* apply in relation to a Bridging E (Class WE) visa:

(a) granted as a result of an application for the visa made on or after 6 October 2014; or

(b) granted by the Minister under subsection 195A(2) of the Act, or under regulation 2.25, on or after 6 October 2014.

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Part 35—Amendments made by the Migration Legislation Amendment (2014 Measures No. 2) Regulation 2014

3501 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Migration Legislation Amendment (2014 Measures No. 2) Regulation 2014* apply in relation to an application for a visa made on or after 23 November 2014.

3502 Operation of Schedules 2 and 3

The amendments of these Regulations made by Schedules 2 and 3 to the *Migration Legislation Amendment (2014 Measures No. 2) Regulation 2014* apply on and after 23 November 2014.

3503 Operation of Schedule 4

The amendments of these Regulations made by Schedule 4 to the *Migration Legislation Amendment (2014 Measures No. 2) Regulation 2014* apply in relation to an application for a Student (Temporary) (Class TU) visa made on or after 23 November 2014.

3504 Operation of Schedule 5

The amendments of these Regulations made by Schedule 5 to the *Migration Legislation Amendment (2014 Measures No. 2) Regulation 2014* apply in relation to the following applications for a visa:

(a) an application made, but not finally determined, before 23 November 2014;

(b) an application made on or after 23 November 2014.

3505 Operation of Schedule 7

The amendments of these Regulations made by Schedule 7 to the *Migration Legislation Amendment (2014 Measures No. 2) Regulation 2014* apply in relation to an application for a student visa made on or after 23 November 2014.

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Part 37—Amendments made by the Migration Amendment (Subclass 050 Visas) Regulation 2014

3701 Operation of Part 1 of Schedule 1

(1) The amendment of these Regulations made by item 1 of Part 1 of Schedule 1 to the *Migration Amendment (Subclass 050 Visas) Regulation 2014* applies in relation to an application for a Subclass 050 (Bridging (General)) visa made on or after 23 November 2014.

(2) The amendments of these Regulations made by items 2 and 3 of Part 1 of Schedule 1 to the *Migration Amendment (Subclass 050 Visas) Regulation 2014* apply in relation to a Subclass 050 (Bridging (General)) visa granted under section 195A of the Act on or after 23 November 2014.

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Part 38—Amendments made by the Migration Amendment (2014 Measures No. 2) Regulation 2014

3801 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Migration Amendment (2014 Measures No. 2) Regulation 2014* apply in relation to the following invitations to a visa applicant given on or after 1 January 2015:

(a) an invitation, under subsection 56(2) of the Act, to give additional information;

(b) an invitation, under paragraph 57(2)(c) of the Act, to comment on information.

3802 Operation of Schedule 2

The amendments of these Regulations made by Schedule 2 to the *Migration Amendment (2014 Measures No. 2) Regulation 2014* apply in relation to the following applications for a Subclass 188 (Business Innovation and Investment (Provisional)) visa:

(a) an application made, but not finally determined, before 12 December 2014;

(b) an application made on or after 12 December 2014.

3803 Operation of Schedule 3

(1) The amendments of these Regulations made by items 1 to 3 of Schedule 3 to the *Migration Amendment (2014 Measures No. 2) Regulation 2014* apply in relation to the following applications for a visa:

(a) an application made, but not finally determined, before the commencement of the items;

(b) an application made on or after the commencement of the items.

(2) The amendments of these Regulations made by items 4 to 12 and 16 to 21 of Schedule 3 to the *Migration Amendment (2014 Measures No. 2) Regulation 2014* apply in relation to a decision to grant or not to grant a visa, or to cancel a visa, made on or after the commencement of the items.

(3) The amendments of these Regulations made by items 13, 14 and 15 of Schedule 3 to the *Migration Amendment (2014 Measures No. 2) Regulation 2014* apply in relation to a decision to cancel a visa made on or after the commencement of the items.

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Part 39—Amendments made by the Migration Amendment (Partner Visas) Regulation 2014

3901 Operation of Part 1 of Schedule 1

The amendments of these Regulations made by Part 1 of Schedule 1 to the *Migration Amendment (Partner Visas) Regulation 2014* apply in relation to an application for a visa made on or after 1 January 2015.

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Part 40—Amendments made by the Migration Amendment (Resolving the Asylum Legacy Caseload) Regulation 2015

4001 Operation of Schedule 2

The amendments of these Regulations made by Schedule 2 to the *Migration Amendment (Resolving the Asylum Legacy Caseload) Regulation 2015* apply in relation to the review of an RRT-reviewable decision made on or after the commencement of that Schedule in relation to an application for a protection visa made on or after 16 December 2014.

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Part 41—Amendments made by the Migration Amendment (2015 Measures No. 1) Regulation 2015

4101 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Migration Amendment (2015 Measures No. 1) Regulation 2015* apply in relation to a special purpose visa taken to have been granted on or after 18 April 2015.

4102 Operation of Schedule 2

(1) The amendments of these Regulations made by items 1 to 10 of Schedule 2 to the *Migration Amendment (2015 Measures No. 1) Regulation 2015* apply in relation to the following applications for a visa:

(a) an application made on or after 1 July 2012, but not finally determined before 18 April 2015;

(b) an application made on or after 18 April 2015.

(3) The amendments of these Regulations made by items 11 to 14 of Schedule 2 to the *Migration Amendment (2015 Measures No. 1) Regulation 2015* apply in relation to an application for a visa made on or after 18 April 2015.

4103 Operation of Schedule 3

(1) The amendment of these Regulations made by item 1 of Schedule 3 to the *Migration Amendment (2015 Measures No. 1) Regulation 2015* applies in relation to a notice given on or after 18 April 2015.

(2) The amendment of these Regulations made by item 2 of Schedule 3 to the *Migration Amendment (2015 Measures No. 1) Regulation 2015* applies in relation to the following applications:

(a) an application for a visa made, but not finally determined, before 18 April 2015;

(b) an application for a visa made on or after 18 April 2015.

4104 Operation of Schedule 4

The amendments of these Regulations made by Schedule 4 to the *Migration Amendment (2015 Measures No. 1) Regulation 2015* apply in relation to an event mentioned in regulation 2.84 that occurs on or after 18 April 2015.

4105 Operation of Schedule 5

The amendment of these Regulations made by Schedule 5 to the *Migration Amendment (2015 Measures No. 1) Regulation 2015* applies in relation to the following applications for a visa:

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(a) an application made, but not finally determined, before 18 April 2015;
(b) an application made on or after 18 April 2015.

4106 Operation of Schedule 6

The amendments of these Regulations made by Schedule 6 to the *Migration Amendment (2015 Measures No. 1) Regulation 2015* apply in relation to an application for a visa made on or after 18 April 2015.

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Part 42—Amendments made by the Migration Amendment (Protection and Other Measures) Regulation 2015

4201 Operation of Schedule 1

The amendment of these Regulations made by item 2 of Schedule 1 to the *Migration Amendment (Protection and Other Measures) Regulation 2015* applies in relation to the following applications for protection visas:

(a) an application made, but not finally determined, before the commencement of that item;

(b) an application made on or after the commencement of that item.

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Part 43—Amendments made by the Migration Legislation Amendment (2015 Measures No. 2) Regulation 2015

4301 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Migration Legislation Amendment (2015 Measures No. 2) Regulation 2015* apply in relation to an application for a visa made on or after 1 July 2015.

4302 Operation of Schedule 5

The amendments of these Regulations made by Schedule 5 to the *Migration Legislation Amendment (2015 Measures No. 2) Regulation 2015* apply in relation to an application for approval of a nomination of a position made on or after 1 July 2015.

4303 Operation of Schedule 7

The amendments of these Regulations made by Schedule 7 to the *Migration Legislation Amendment (2015 Measures No. 2) Regulation 2015* apply in relation to an application for a visa made on or after 1 July 2015.

4304 Operation of Schedule 9

The amendment of these Regulations made by item 1 of Schedule 9 to the *Migration Legislation Amendment (2015 Measures No. 2) Regulation 2015* does not affect the continuity of any instrument that is in force under subregulation 5.40(1) immediately before the commencement of the item.

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Part 44—Amendments made by the Migration Amendment (Investor Visas) Regulation 2015

4401 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Migration Amendment (Investor Visas) Regulation 2015* apply in relation to an application for a visa made on or after 1 July 2015.

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Part 45—Amendments made by the Migration Amendment (Visa Labels) Regulation 2015

4501 Operation of Schedule 1

Despite the repeal of Division 2.4 of Part 2 of these Regulations by Schedule 1 to the *Migration Amendment (Visa Labels) Regulation 2015*, that Division, as in force immediately before the repeal, continues to apply on and after 1 September 2015 in relation to a request made under section 70 of the Act for evidence of a visa if:

(a) the request was made before 1 September 2015; and

(b) the visa evidence charge for the request had been paid before 1 September 2015.

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Part 46—Amendments made by the Migration Amendment (Conversion of Protection Visa Applications) Regulation 2015

4601 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Migration Amendment (Conversion of Protection Visa Applications) Regulation 2015* (the ***amending regulation***) apply in relation to any pre-conversion application (within the meaning of subregulation 2.08F(1)) including, but not limited to, a pre-conversion application that is the subject of a proceeding in any court that has not been concluded immediately before the commencement of Schedule 1 to the amending regulation.

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Part 47—Amendments made by the Migration Amendment (Special Category Visas and Special Return Criterion 5001) Regulation 2015

4701 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Migration Amendment (Special Category Visas and Special Return Criterion 5001) Regulation 2015* apply in relation to an application for a visa made on or after the day that regulation commences.

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Part 48—Amendments made by the Migration Legislation Amendment (2015 Measures No. 3) Regulation 2015

4801 Operation of Schedules 1 to 4

The amendments of these Regulations made by Schedules 1 to 4 to the *Migration Legislation Amendment (2015 Measures No. 3) Regulation 2015* apply in relation to an application for a visa made on or after 21 November 2015.

Note: Schedules 1 to 4 to the *Migration Legislation Amendment (2015 Measures No. 3) Regulation 2015* commence on 21 November 2015.

4802 Operation of Schedule 5

(1) The amendments of these Regulations made by Schedule 5 to the *Migration Legislation Amendment (2015 Measures No. 3) Regulation 2015* apply in relation to an application for a visa made on or after 1 December 2015.

(2) However, to the extent that the application relates to work carried out before 1 December 2015, paragraph 417.211(5)(c) of Schedule 2 (as amended by the amendments referred to in subclause (1)) does not apply in relation to that work.

Note: Schedule 5 to the *Migration Legislation Amendment (2015 Measures No. 3) Regulation 2015* commences on 1 December 2015.

4803 Operation of Schedule 6

The amendments of these Regulations made by Schedule 6 to the *Migration Legislation Amendment (2015 Measures No. 3) Regulation 2015* apply in relation to the following applications for a visa:

(a) an application made, but not finally determined, before 21 November 2015;

(b) an application made on or after 21 November 2015.

Note: Schedule 6 to the *Migration Legislation Amendment (2015 Measures No. 3) Regulation 2015* commences on 21 November 2015.

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Part 49—Amendments made by the Migration Amendment (Clarifying Subclass 457 Requirements) Regulation 2015

4901 Operation of amendments

(1) The amendment of these Regulations made by item 1 of Schedule 1 to the *Migration Amendment (Clarifying Subclass 457 Requirements) Regulation 2015* applies in relation to an application for approval of a nomination made on or after the commencement of the item.

(2) The amendment of these Regulations made by item 2 of Schedule 1 to the *Migration Amendment (Clarifying Subclass 457 Requirements) Regulation 2015* applies to a work agreement entered into on or after the commencement of the item.

(3) The amendments of these Regulations made by items 3 and 4 of Schedule 1 to the *Migration Amendment (Clarifying Subclass 457 Requirements) Regulation 2015* apply in relation to a visa granted on or after the commencement of the items.

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Part 50—Amendments made by the Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014

5000 Operation of Divisions 1 and 3 of Part 4 of Schedule 2

The amendments of these Regulations made by Divisions 1 and 3 of Part 4 of Schedule 2 to the *Migration Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014* apply in relation to:

(a) a visa application made on or after the commencement of Division 1 of that Part; and

(b) a visa application that is taken to be, and always to have been, a valid application for a Temporary Protection (Class XD) visa by the operation of paragraph 2.08F(1)(b) of these Regulations (as inserted by Division 2 of that Part).

Note: Regulation 2.08F applies, by its own terms, in relation to some protection visa applications made before the commencement of that Part.

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Part 51—Amendments made by the Migration Amendment (Charging for a Migration Outcome and Other Measures) Regulation 2015

5101 Operation of Schedule 1

(1) The amendments of these Regulations made by items 9 and 11 to 14 of Schedule 1 to the *Migration Amendment (Charging for a Migration Outcome and Other Measures) Regulation 2015* apply in relation to a nomination made after the commencement of those items.

(2) The amendment of these Regulations made by item 15 of Schedule 1 to the *Migration Amendment (Charging for a Migration Outcome and Other Measures) Regulation 2015* applies in relation to an application for approval of a nomination made after the commencement of that item.

(3) The amendments of these Regulations made by items 21 to 27 of Schedule 1 to the *Migration Amendment (Charging for a Migration Outcome and Other Measures) Regulation 2015* apply in relation to an application for a visa made after the commencement of those items.

(4) The amendments of these Regulations made by items 28, 29, 31 to 35, 37 to 39, 41, 42, 44 to 47 and 49 to 51 of Schedule 1 to the *Migration Amendment (Charging for a Migration Outcome and Other Measures) Regulation 2015* apply in relation to:
   (a) an application for a visa made, but not finally determined, before the commencement of those items; and
   (b) an application for a visa made after the commencement of those items.

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Part 52—Amendments made by the Migration Legislation Amendment (2015 Measures No. 4) Regulation 2015

5201 Operation of Schedule 1

(1) The amendments of these Regulations made by Part 1 of Schedule 1 to the *Migration Legislation Amendment (2015 Measures No. 4) Regulation 2015* apply in relation to an application for a visa made on or after 14 December 2015.

(2) The amendment of these Regulations made by Part 2 of Schedule 1 to the *Migration Legislation Amendment (2015 Measures No. 4) Regulation 2015* applies in relation to:

(a) a decision (a ***remittal decision***) by the Immigration Assessment Authority to remit a fast track reviewable decision for reconsideration, if the remittal decision is made on or after 14 December 2015; and

(b) a fast track reviewable decision that is the subject of a remittal decision, whether the fast track reviewable decision is made before, on or after 14 December 2015.

(3) The amendments of these Regulations made by Part 3 of Schedule 1 to the *Migration Legislation Amendment (2015 Measures No. 4) Regulation 2015* apply in relation to an application for a visa made on or after 14 December 2015.

Note: Schedule 1 to the *Migration Legislation Amendment (2015 Measures No. 4) Regulation 2015* commences on 14 December 2015.

5202 Operation of Schedule 2

Personal identifier required before 16 February 2016

(1) Subitem (2) applies if:

(a) before 16 February 2016, a person was required to provide a personal identifier under:

(i) section 46, 166, 170, 175 or 188 of the Act; or

(ii) regulation 2.04; and

(b) immediately before 16 February 2016, both of the following apply:

(i) the person had not complied with the requirement;

(ii) the period for complying with the requirement had not ended.

(2) Despite the amendments of these Regulations made by Schedule 2 to the *Migration Legislation Amendment (2015 Measures No. 4) Regulation 2015*, these Regulations continue to apply in relation to the requirement as if those amendments had not been made.

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Visa application made (but not finally determined) before 16 February 2016, but personal identifier not required

(3) The amendment of these Regulations made by item 1 of Schedule 2 to the *Migration Legislation Amendment (2015 Measures No. 4) Regulation 2015* applies, subject to subitem (2), to the following applications for visas:

(a) an application made, but not finally determined, before 16 February 2016;

(b) an application made on or after 16 February 2016.

Note: Schedule 2 to the *Migration Legislation Amendment (2015 Measures No. 4) Regulation 2015* commences on 16 February 2016.

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Part 53—Amendments made by the Migration Amendment (Priority Consideration of Certain Visa Applications) Regulation 2016

5301 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Migration Amendment (Priority Consideration of Certain Visa Applications) Regulation 2016* apply in relation to an application for a visa made on or after 15 March 2016.

Note: Schedule 1 to the *Migration Amendment (Priority Consideration of Certain Visa Applications) Regulation 2016* commences on 15 March 2016.

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Part 54—Amendments made by the Migration Legislation Amendment (2016 Measures No. 1) Regulation 2016

5401 Operation of Schedule 1

(1) The amendment of these Regulations made by item 1 of Schedule 1 to the *Migration Legislation Amendment (2016 Measures No. 1) Regulation 2016* applies on and after 19 April 2016.

(2) The amendments of these Regulations made by items 2 and 3 of Schedule 1 to the *Migration Legislation Amendment (2016 Measures No. 1) Regulation 2016* apply in relation to:

(a) an application for approval of a sponsor:

(i) made, but not finally determined, before 19 April 2016; or

(ii) made on or after 19 April 2016; and

(b) an application for the variation of the terms of an approval of a sponsor:

(i) made, but not finally determined, before 19 April 2016; or

(ii) made on or after 19 April 2016.

(3) The amendment of these Regulations made by item 4 of Schedule 1 to the *Migration Legislation Amendment (2016 Measures No. 1) Regulation 2016* applies in relation to discriminatory recruitment practices engaged in on or after 19 April 2016 by a standard business sponsor or a former standard business sponsor.

Note: Schedule 1 to the *Migration Legislation Amendment (2016 Measures No. 1) Regulation 2016* commences on 19 April 2016.

5402 Operation of Schedule 2

(1) The amendment of these Regulations made by item 1 of Schedule 2 to the *Migration Legislation Amendment (2016 Measures No. 1) Regulation 2016* applies in relation to an application for a visa made on or after 19 April 2016.

(2) The amendments of these Regulations made by items 2 to 4 of Schedule 2 to the *Migration Legislation Amendment (2016 Measures No. 1) Regulation 2016* apply in relation to the following:

(a) an application for a visa made, but not finally determined, before 19 April 2016;

(b) an application for a visa made on or after 19 April 2016.

Note: Schedule 2 to the *Migration Legislation Amendment (2016 Measures No. 1) Regulation 2016* commences on 19 April 2016.

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Clause 5403

5403 Operation of Schedule 3

The amendment of these Regulations made by item 1 of Schedule 3 to the *Migration Legislation Amendment (2016 Measures No. 1) Regulation 2016* applies in relation to the following applications for a visa:

(a) an application made, but not finally determined, before 19 April 2016;

(b) an application made on or after 19 April 2016.

Note: Schedule 3 to the *Migration Legislation Amendment (2016 Measures No. 1) Regulation 2016* commences on 19 April 2016.

5404 Operation of Schedule 4

(1) The amendments of these Regulations made by Schedule 4 to the *Migration Legislation Amendment (2016 Measures No. 1) Regulation 2016* (other than items 44, 48 and 49 of that Schedule) apply in relation to an application for a visa made on or after 1 July 2016.

(2) The amendments of these Regulations made by items 44, 48 and 49 of Schedule 4 to the *Migration Legislation Amendment (2016 Measures No. 1) Regulation 2016* apply in relation to a visa granted before, on or after 1 July 2016.

Note: Schedule 4 to the *Migration Legislation Amendment (2016 Measures No. 1) Regulation 2016* commences on 1 July 2016.

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Part 55—Amendments made by the Migration Legislation Amendment (2016 Measures No. 3) Regulation 2016

5501 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Migration Legislation Amendment (2016 Measures No. 3) Regulation 2016* apply to the making of applications for Return (Residence) (Class BB) visas on or after 10 September 2016.

5502 Operation of Schedules 2 and 3

The amendments of these Regulations made by Schedules 2 and 3 to the *Migration Legislation Amendment (2016 Measures No. 3) Regulation 2016* apply in relation to payment of fees and charges on or after 10 September 2016.

5503 Operation of Schedule 4

The amendment of these Regulations made by Schedule 4 to the *Migration Legislation Amendment (2016 Measures No. 3) Regulation 2016* applies to non-citizens born before, on or after 10 September 2016.

5504 Operation of Schedule 6

The amendments of these Regulations made by Schedule 6 to the *Migration Legislation Amendment (2016 Measures No. 3) Regulation 2016* apply in relation to an application for any of the following visas made on or after 18 November 2016:

(a) a Prospective Marriage (Temporary) (Class TO) visa;
(b) a Partner (Provisional) (Class UF) visa;
(c) a Partner (Temporary) (Class UK) visa.

Note: Schedule 6 to the *Migration Legislation Amendment (2016 Measures No. 3) Regulation 2016* commences on 18 November 2016.

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Part 56—Amendments made by the Migration Amendment (Entrepreneur Visas and Other Measures) Regulation 2016

5601 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Migration Amendment (Entrepreneur Visas and Other Measures) Regulation 2016* apply in relation to an application for a visa made on or after 10 September 2016.

Note: Schedule 1 to the *Migration Amendment (Entrepreneur Visas and Other Measures) Regulation 2016* commences on 10 September 2016.

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Part 57—Amendments made by the Migration Legislation Amendment (2016 Measures No. 4) Regulation 2016

5701 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Migration Legislation Amendment (2016 Measures No. 4) Regulation 2016* apply to a visa granted on or after 19 November 2016.

5702 Operation of Schedule 2

The amendments of these Regulations made by Schedule 2 to the *Migration Legislation Amendment (2016 Measures No. 4) Regulation 2016* apply in relation to an application for a visa made on or after 19 November 2016.

5703 Operation of Schedule 3

The amendments of these Regulations made by Schedule 3 to the *Migration Legislation Amendment (2016 Measures No. 4) Regulation 2016* apply to the provision of information in connection with an identification test carried out on or after 19 November 2016.

5704 Operation of Schedule 4

(1) The amendments of these Regulations made by Schedule 4 to the *Migration Legislation Amendment (2016 Measures No. 4) Regulation 2016* apply in relation to:
  (a) an application for a visa made on or after 19 November 2016; or
  (b) a visa granted as a result of such an application.

(2) To avoid doubt, despite the amendment of subparagraph 3.01(2)(e)(ii), regulation 3.01 (as amended) does not apply to a person who:
  (a) enters Australia on a non-military ship; and
  (b) holds a Subclass 988 (Maritime Crew) visa that was granted (before, on or after 19 November 2016):
    (i) as a result of an application made before 19 November 2016; and
    (ii) on the basis that the person was a dependent child of a member of the crew of that non-military ship.

(3) Despite subclause (1), the amendment of subparagraph 457.511(d)(iv) of Schedule 2 applies to a visa granted to a person on or after 19 November 2016, whether it was granted:
  (a) on the basis that he or she was a member of the family unit of the holder of a visa in the circumstances described in subregulation 1.12(10) (as in force before 19 November 2016); or
  (b) as a result of an application made on or after 19 November 2016.

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Part 58—Amendments made by the Migration Legislation Amendment (2016 Measures No. 5) Regulation 2016

5801 Operation of Schedule 1

(1) The amendments of these Regulations made by Schedule 1 to the *Migration Legislation Amendment (2016 Measures No. 5) Regulation 2016* apply in relation to an application for a visa made on or after 19 November 2016.

(2) To avoid doubt, an instrument in force under subregulation 2.07(5) immediately before 19 November 2016 continues in force on and after that day regardless of the amendments of that subregulation made by Schedule 1 to the *Migration Legislation Amendment (2016 Measures No. 5) Regulation 2016*.

5802 Operation of Schedule 2

The amendments of these Regulations made by Schedule 2 to the *Migration Legislation Amendment (2016 Measures No. 5) Regulation 2016* apply in relation to a bridging visa granted on or after 19 November 2016.

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Part 59—Amendments made by the Treasury Laws Amendment (Working Holiday Maker Reform) Act 2016

5901 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Treasury Laws Amendment (Working Holiday Maker Reform) Act 2016* apply in relation to an application for a visa made on or after the commencement of that Schedule.

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Part 60—Amendments made by the Migration Amendment (Temporary Activity Visas) Regulation 2016

6001 Operation of Parts 3 and 4 of Schedule 1

The amendments of these Regulations made by Parts 3 and 4 of Schedule 1 to the *Migration Amendment (Temporary Activity Visas) Regulation 2016* apply in relation to an application for a visa made on or after 19 November 2016.

Note: Parts 3 and 4 of Schedule 1 to the *Migration Amendment (Temporary Activity Visas) Regulation 2016* commence on 19 November 2016.

6002 Operation of Parts 5 and 6 of Schedule 1

(1) The amendments of these Regulations made by Parts 5 and 6 of Schedule 1 to the *Migration Amendment (Temporary Activity Visas) Regulation 2016* apply in relation to the following:

(a) an application for a visa made on or after 19 November 2016;

(b) an application for approval as a sponsor made on or after 19 November 2016;

(c) an application for a variation of a term of an approval as a sponsor made on or after 19 November 2016;

(d) a nomination made under subsection 140GB(1) of the Act on or after 19 November 2016, including such a nomination made:

(i) by an approved sponsor that was approved as a sponsor as a result of an application for approval made before, on or after 19 November 2016; or

(ii) in relation to an application for a visa made before, on or after 19 November 2016.

(2) If:

(a) before 19 November 2016, a person applies for approval in relation to any of the following classes of sponsor:

(i) a long stay activity sponsor;

(ii) a training and research sponsor;

(iii) a special program sponsor;

(iv) an entertainment sponsor;

(v) a superyacht crew sponsor;

(vi) a professional development sponsor; and

(b) the Minister has not approved, or refused to approve, the person as a sponsor in relation to that class of sponsor; and

(c) after 18 May 2017, the person gives the Minister a written notice withdrawing the application;

the application is taken to be withdrawn, and the Minister may refund the fee paid in accordance with regulation 2.61 in relation to the application.

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(3) If:

(a) before 19 November 2016, an approved sponsor makes a nomination under subsection 140GB(1) of the Act identifying a proposed applicant for:

(i) a Subclass 401 (Temporary Work (Long Stay Activity)) visa; or

(ii) a Subclass 402 (Training and Research) visa; or

(iii) a Subclass 420 (Temporary Work (Entertainment)) visa; and

(b) the proposed applicant does not apply for the visa before 19 November 2016; and

(c) the Minister has not approved, or refused to approve, the nomination; and

(d) the approved sponsor gives the Minister a written notice withdrawing the nomination;

the nomination is taken to be withdrawn, and the Minister may refund the fee paid in accordance with regulation 2.73A in relation to the nomination.

Note: Parts 5 and 6 of Schedule 1 to the *Migration Amendment (Temporary Activity Visas) Regulation 2016* commence on 19 November 2016.

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Part 61—Amendments made by the Migration Amendment (Working Holiday Maker Visa Application Charges) Regulations 2017

6101 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Migration Amendment (Working Holiday Maker Visa Application Charges) Regulations 2017* apply in relation to an application for a visa made on or after the commencement of that Schedule.

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Part 62—Amendments made by the Migration Legislation Amendment (2017 Measures No. 1) Regulations 2017

6201 Operation of Schedule 1

(1) The amendments of item 1216 of Schedule 1 to these Regulations made by Schedule 1 to the *Migration Legislation Amendment (2017 Measures No. 1) Regulations 2017* apply in relation to the following:

(a) an application for a visa which, in accordance with subregulation (2), is taken to have been made before 18 April 2017;

(b) an application for a visa made on or after 18 April 2017.

(2) If:

(a) before 18 April 2017, an applicant (the ***child***) made or purported to make an application for a visa on the basis that clause 159.311 of Schedule 2 is satisfied in relation to another applicant whose application was covered by paragraph 1216(3A)(a) or (b) of Schedule 1; and

(b) clause 159.311 of Schedule 2 would not be satisfied only because the child's application could not be combined with the application made by the other applicant as referred to in paragraph 1216(3B)(c) as in force at the time the child's application was made or purportedly made; and

(c) had the child's application been made on 18 April 2017, it could have been combined with the application made by the other applicant as referred to in paragraph 1216(3B)(ca) as inserted by Schedule 1 to the *Migration Legislation Amendment (2017 Measures No. 1) Regulations 2017*;

the child's application is taken to have been made at the same time and place as, and combined with, the application made by the other applicant.

6202 Operation of Schedule 2

(1) The amendments of clauses 785.511 and 790.511 of Schedule 2 to these Regulations made by Schedule 2 to the *Migration Legislation Amendment (2017 Measures No. 1) Regulations 2017* apply in relation to visas granted before, on or after 18 April 2017.

(2) Other amendments of these Regulations made by Schedule 2 to the *Migration Legislation Amendment (2017 Measures No. 1) Regulations 2017* apply in relation to the following:

(a) an application for a visa made before, but not finally determined by, 18 April 2017;

(b) an application for a visa made on or after 18 April 2017.

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Part 63—Amendments made by Migration Legislation Amendment (2017 Measures No. 2) Regulations 2017

6301 Amendments relating to Subclass 189 (Skilled—Independent) visas

(1) The amendments to these Regulations made by Schedule 1 to the *Migration Legislation Amendment (2017 Measures No. 2) Regulations 2017* apply in relation to an application for a Subclass 189 (Skilled—Independent) visa made on or after 1 July 2017, subject to subclause (2).

Note: Schedule 1 to the *Migration Legislation Amendment (2017 Measures No. 2) Regulations 2017* commences on 1 July 2017.

(2) However, the amendments do not apply in relation to an application for a Subclass 189 (Skilled—Independent) visa, if:

(a) both:

(i) the application is made in response to an invitation given by the Minister before 1 July 2017; and

(ii) the application is made on or after 1 July 2017; or

(b) both:

(i) the applicant claims to be a member of the family unit of an applicant (the ***primary applicant***) to whom paragraph (a) applies; and

(ii) the application is combined with the application made by the primary applicant.

6302 Operation of Schedule 2

The amendments made by Schedule 2 to the *Migration Legislation Amendment (2017 Measures No. 2) Regulations 2017* apply in relation to departures from Australia occurring on or after 1 July 2017.

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Part 64—Amendments made by the Migration Amendment (Visa Application Charges) Regulations 2017

6401 Operation of amendments

(1) The amendments of these Regulations made by the *Migration Amendment (Visa Application Charges) Regulations 2017* apply in relation to applications for visas made on or after 1 July 2017.

(2) To avoid doubt, subclause (1) applies despite clause 6301 of this Schedule.

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Part 65—Amendments made by the Migration Legislation Amendment (2017 Measures No. 3) Regulations 2017

6501 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Migration Legislation Amendment (2017 Measures No. 3) Regulations 2017* apply in relation to:

(a) an application for a visa made, but not finally determined, before 1 July 2017; and

(b) an application for a visa made on or after 1 July 2017.

6502 Operation of Schedule 2

The amendments of these Regulations made by Schedule 2 to the *Migration Legislation Amendment (2017 Measures No. 3) Regulations 2017* apply in relation to cancellation of a visa on or after 1 July 2017, whether the visa was granted before, on or after that day.

6503 Operation of Schedule 3

The amendments of these Regulations made by Schedule 3 to the *Migration Legislation Amendment (2017 Measures No. 3) Regulations 2017* apply in relation to an application for a Medical Treatment (Visitor) (Class UB) visa made on or after 1 July 2017.

6504 Operation of Schedule 5

(1) The amendments of regulation 1.03 and paragraphs 461.212(2)(a) and (b) of Schedule 2 made by Schedule 5 to the *Migration Legislation Amendment (2017 Measures No. 3) Regulations 2017* apply in relation to an application for a visa made on or after 1 July 2017.

(2) The amendments of regulation 2.16 made by Schedule 5 to the *Migration Legislation Amendment (2017 Measures No. 3) Regulations 2017* apply in relation to the grant of a visa on or after 1 July 2017.

6505 Operation of Schedule 6

Employer nominations

(1) The amendments of these Regulations made by Part 1 of Schedule 6 to the *Migration Legislation Amendment (2017 Measures No. 3) Regulations 2017* apply in relation to an application for the approval of a nomination, if the application is made on or after 1 July 2017.

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Nominated and sponsored skilled visas

(2) Subject to subclause (3), the amendments of these Regulations made by Part 2 of Schedule 6 to the *Migration Legislation Amendment (2017 Measures No. 3) Regulations 2017* apply in relation to an application for a visa made on or after 1 July 2017.

(3) However, the amendments of subitems 1138(4) and 1230(4) of Schedule 1 to these Regulations made by that Part do not apply in relation to an application for a visa if:

(a) both:

(i) the application is made in response to an invitation given by the Minister before 1 July 2017; and

(ii) the application is made on or after 1 July 2017; or

(b) both:

(i) the applicant claims to be a member of the family unit of an applicant (the ***primary applicant***) to whom paragraph (a) applies; and

(ii) the application is combined with the application made by the primary applicant.

Refunds

(4) The amendments of these Regulations made by Part 3 of Schedule 6 to the *Migration Legislation Amendment (2017 Measures No. 3) Regulations 2017* apply in relation to withdrawing a visa application on or after 1 July 2017, whether the visa application was made before, on or after 1 July 2017.

6506 Operation of Schedule 8

(1) The amendments of these Regulations made by items 1 and 2 of Schedule 8 to the *Migration Legislation Amendment (2017 Measures No. 3) Regulations 2017* apply in relation to an application for a visa made on or after 1 July 2017.

(2) The amendment of these Regulations made by item 3 of Schedule 8 to the *Migration Legislation Amendment (2017 Measures No. 3) Regulations 2017* applies in relation to an application for a visa made on or after 1 July 2017, whether the relevant employment or study occurred before, on or after 1 July 2017.

6507 Operation of Schedule 9

The amendments of these Regulations made by Schedule 9 to the *Migration Legislation Amendment (2017 Measures No. 3) Regulations 2017* apply in relation to an application for a visa made on or after 1 July 2017.

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Clause 6508

6508 Operation of Schedule 11

The amendments of these Regulations made by Schedule 11 to the *Migration Legislation Amendment (2017 Measures No. 3) Regulations 2017* apply in relation to an application for a visa made on or after 1 July 2017.

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Part 66—Amendments made by the Migration Amendment (Specification of Occupations) Regulations 2017

6601 Application of instruments made for purposes of paragraph 2.72(10)(aa)

(1) This clause applies to an instrument made:

(a) for the purposes of paragraph 2.72(10)(aa) of these Regulations as amended by Schedule 1 to the *Migration Amendment (Specification of Occupations) Regulations 2017*; and

(b) after the *Migration Amendment (Specification of Occupations) Regulations 2017* are made.

(2) The instrument may be expressed to apply in relation to nominations of occupations:

(a) made on or after the day the instrument commences; or

(b) made and not finally determined before the day the instrument commences;

regardless of whether, for a nomination in relation to an applicant for a visa, the application was made before, on or after that day.

(3) If the instrument is expressed to apply in that way, the instrument has effect accordingly.

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Part 67—Amendments made by the Migration Legislation Amendment (Temporary Skill Shortage Visa and Complementary Reforms) Regulations 2018

6701 Definitions

In this Part:

amending regulations means the *Migration Legislation Amendment (Temporary Skill Shortage Visa and Complementary Reforms) Regulations 2018*.

commencement day means 18 March 2018.

6702 Application provisions in relation to visa applications

(1) The amendments of regulations 1.12, 2.06AAB and 2.25A made by the amending regulations apply in relation to an application for a visa made on or after the commencement day.

(2) Despite the repeal of the following provisions by the amending regulations, those provisions (including any instruments made under them), as in force immediately before the commencement of Schedule 1 to the amending regulations, continue to apply in relation to an application for a visa made before the commencement day:
  (a) the definition of ***base rate of pay*** in regulation 2.57;
  (b) item 1223A of Schedule 1;
  (c) Part 457 of Schedule 2;
  (d) clause 4006A of Schedule 4.

(3) These Regulations and the provisions mentioned in subclause (2) (including any instruments made under them) apply on and after the commencement day as if section 8 of the *Migration (IMMI 17/057: English Language Requirements for Subclass 457 visas) Instrument 2017* specified "Total band score 35" as the minimum band score for the TOEFL iBT English test.

6703 Application provision in relation to adverse information and adverse supporter information

Despite the amendments of regulations 1.13A and 1.13B and clause 408.112 of Schedule 2 made by the amending regulations, those provisions, as in force immediately before the commencement of Schedule 1 to the amending regulations, continue to apply in relation to any of the following made before the commencement day:
  (a) an application for approval as a standard business sponsor or temporary activities sponsor;
  (b) a nomination under subsection 140GB(1) of the Act;

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(c) an application under regulation 5.19;
(d) an application for a visa.

6704 Application and transitional provisions in relation to amendments of Part 2A

(1) The amendments of Divisions 2.13 and 2.14 made by the amending regulations apply in relation to an application for approval as a standard business sponsor or temporary activities sponsor made on or after the commencement day.

(2) Paragraphs 2.59(d), (e), (i) and (j) do not apply in relation to an application for approval as a standard business sponsor made, but not finally determined, before the commencement day.

(3) The amendments of Division 2.15 made by the amending regulations apply in relation to an approval as a standard business sponsor, temporary activities sponsor or temporary work sponsor if the application for the approval was made on or after the commencement day.

(4) The amendments of Division 2.16 made by the amending regulations apply in relation to an application made on or after the commencement day for a variation of a term of an approval.

(5) Paragraphs 2.68(e), (f), (j) and (k) do not apply in relation to an application made, but not finally determined, before the commencement day for a variation of a term of an approval as a standard business sponsor.

(6) Despite:
(a) the repeal of the definition of ***base rate of pay*** in subregulation 2.57(1); and
(b) the amendments of regulation 2.72;
by the amending regulations, those provisions (including any instruments made under them), as in force immediately before the commencement of Schedule 1 to the amending regulations, continue to apply in relation to a nomination of an occupation made before the commencement day in relation to:
(c) a holder of a Subclass 457 (Temporary Work (Skilled)) visa; or
(d) an applicant or a proposed applicant for a Subclass 457 (Temporary Work (Skilled)) visa, if the applicant or proposed applicant applied for a Subclass 457 (Temporary Work (Skilled)) visa on the basis of the nomination before the commencement day.

(7) Despite the amendments of regulation 2.73 made by the amending regulations, that regulation (including any instruments made under it), as in force immediately before the commencement of Schedule 1 to the amending regulations, continues to apply in relation to a nomination made before the commencement day of an occupation in relation to a holder of, or an applicant or a proposed applicant for, a Subclass 457 (Temporary Work (Skilled)) visa.

(8) Regulation 2.73AA, as inserted by the amending regulations, applies in relation to a nomination made on or after the commencement day.

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Clause 6704

(9) The Minister may refund the fee paid in relation to a nomination made before the commencement day of an occupation in relation to a proposed applicant for a Subclass 457 (Temporary Work (Skilled)) visa if:
  (a) the nomination is approved under section 140GB of the Act before the commencement day; and
  (b) the proposed applicant did not apply for a Subclass 457 (Temporary Work (Skilled)) visa on the basis of the nomination before the commencement day; and
  (c) the Minister:
    (i) receives a written request for a refund from the person who paid the fee; or
    (ii) considers it is reasonable in the circumstances to refund the amount to the person who paid the fee without receiving a written request for a refund.

(10) The Minister may refund the fee paid in relation to a nomination made, but not finally determined, before the commencement day of an occupation in relation to a proposed applicant for a Subclass 457 (Temporary Work (Skilled)) visa if the proposed applicant did not apply for a Subclass 457 (Temporary Work (Skilled)) visa on the basis of the nomination before the commencement day.

(11) A refund under subclause (9) or (10) must be paid to the person who paid the fee.

(12) A refund under subclause (9) or (10) may be paid:
  (a) in Australian currency; or
  (b) if the amount of the fee in respect of which the refund is being paid was paid in another currency, in that other currency.

(13) The amendments of regulation 2.74 made by the amending regulations apply in relation to a nomination made on or after the commencement day.

(14) Despite the amendments of regulation 2.75 made by the amending regulations, that regulation, as in force immediately before the commencement of Schedule 1 to the amending regulations, continues to apply in relation to a nomination made before the commencement day.

(15) However, paragraph 2.75(2)(b) does not apply in relation to a nomination made before the commencement day if:
  (a) before the commencement day, the person identified in the nomination applied for a Subclass 457 (Temporary Work (Skilled)) visa on the basis of the nomination; and
  (b) within 12 months after the day on which the nomination is approved, the person applies to the Tribunal for review of a decision to refuse to grant the visa.

(16) Despite the repeal of subregulation 4.02(4C) by the amending regulations, that subregulation, as in force immediately before the commencement of Schedule 1 to the amending regulations, continues to apply, on and after the commencement day, in relation to a decision under subsection 140GA(2) of the Act not to vary a

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term specified in an approval, if the application for the variation was made before the commencement day, as if the reference in that subregulation to the criteria in paragraphs 2.68(e) and (f) were a reference to the criterion in paragraph 2.68(g).

6705 Application provisions in relation to nominations under regulation 5.19

(1) Despite the amendments of regulation 5.19 made by the amending regulations, that regulation (including any instruments made under it), as in force immediately before the commencement of Schedule 1 to the amending regulations, continues to apply in relation to an application for approval of the nomination of a position made before the commencement day.

(2) Despite the amendments of paragraph 1114B(3)(d) of Schedule 1 made by the amending regulations, that paragraph, as in force immediately before the commencement of Schedule 1 to the amending regulations, continues to apply in relation to a position nominated, before the commencement day, in accordance with a labour agreement that is in effect, by an employer that is a party to the labour agreement.

(3) Despite the amendments of clauses 186.223, 186.233, 187.223 and 187.233 of Schedule 2 made by the amending regulations, those clauses, as in force immediately before the commencement of Schedule 1 to the amending regulations, continue to apply in relation to a position nominated in an application made under regulation 5.19 before the commencement day.

(4) Despite the amendments of clause 186.242 of Schedule 2 made by the amending regulations, that clause, as in force immediately before the commencement of Schedule 1 to the amending regulations, continues to apply in relation to a position nominated, before the commencement day, in accordance with a labour agreement that is in effect, by an employer that is a party to the labour agreement.

(5) Despite the amendments of clauses 186.221, 186.241, 186.243, 187.221 and 187.234 of Schedule 2 made by the amending regulations, those clauses, as in force immediately before the commencement of Schedule 1 to the amending regulations, continue to apply in relation to a visa application made before the commencement day.

(6) Clauses 186.225 and 187.225 of Schedule 2, as inserted by the amending regulations, apply in relation to a visa application made on or after the commencement day.

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Part 68—Amendments made by the Migration Legislation Amendment (2018 Measures No. 1) Regulations 2018

6801 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Migration Legislation Amendment (2018 Measures No. 1) Regulations 2018* apply in relation to an application for a visa made on or after 13 April 2018.

6802 Operation of Schedule 2

The amendment of regulation 2.06AAB made by Schedule 2 to the *Migration Legislation Amendment (2018 Measures No. 1) Regulations 2018* applies in relation to an application for a visa made on or after 13 April 2018.

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Part 69—Amendments made by the Migration Amendment (Offshore Resources Activity) Regulations 2018

6901 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Migration Amendment (Offshore Resources Activity) Regulations 2018* apply in relation to maritime crew visas granted before, on or after the commencement of that Schedule.

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Part 70—Amendments made by the Migration Amendment (Investor Retirement Visa) Regulations 2018

7001 Operation of Schedule 1

The amendment of these Regulations made by Schedule 1 to the *Migration Amendment (Investor Retirement Visa) Regulations 2018* applies in relation to a visa application made on or after 1 June 2018.

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Part 71—Amendments made by the Home Affairs Legislation Amendment (2018 Measures No. 1) Regulations 2018

7101 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Home Affairs Legislation Amendment (2018 Measures No. 1) Regulations 2018* apply in relation to an application for a visa made on or after 1 July 2018.

7102 Operation of Schedule 2

The amendment of these Regulations made by Schedule 2 to the *Home Affairs Legislation Amendment (2018 Measures No. 1) Regulations 2018* applies in relation to an application for a visa made on or after 1 July 2018 in response to an invitation given by the Minister on or after that day.

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Part 72—Amendments made by the Migration Amendment (Visa Application Charges) Regulations 2018

7201 Operation of amendments

The amendments of these Regulations made by the *Migration Amendment (Visa Application Charges) Regulations 2018* apply in relation to visa applications made on or after 1 July 2018.

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Part 73—Amendments made by the Migration Amendment (Pacific Labour Scheme) Regulations 2018

7301 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Migration Amendment (Pacific Labour Scheme) Regulations 2018* apply in relation to visa applications made on or after 1 July 2018.

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Part 74—Amendments made by the Court and Tribunal Legislation Amendment (Fees and Juror Remuneration) Regulations 2018

7401 Operation of Schedule 1

The amendments of regulations 4.13 and 4.31B made by Schedule 1 to the *Court and Tribunal Legislation Amendment (Fees and Juror Remuneration) Regulations 2018* apply in relation to an application for review made on or after 1 July 2018.

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Part 75—Amendments made by the Migration Amendment (Machinery of Government) Regulations 2018

7501 Operation of Schedule 1

(1) The amendment of these Regulations made by item 6 of Schedule 1 to the *Migration Amendment (Machinery of Government) Regulations 2018* applies in relation to visa applications made on or after 5 August 2018.

(2) The amendments of these Regulations made by items 7 and 8 of Schedule 1 to the *Migration Amendment (Machinery of Government) Regulations 2018* apply in relation to:

(a) visa applications made, but not finally determined, before 5 August 2018; and

(b) visa applications made on or after 5 August 2018.

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Part 76—Amendments made by the Migration Amendment (Skilling Australians Fund) Regulations 2018

7601 Definitions

In this Part:

amending regulations means the *Migration Amendment (Skilling Australians Fund) Regulations 2018*.

commencement day means 12 August 2018.

7602 Operation of amendments

(1) Subregulation 2.72(10A), as inserted by the amending regulations, applies in relation to a nomination made on or after 18 March 2018 that is not finally determined before the commencement day.

(2) The amendments of subregulation 2.72(16) made by the amending regulations apply in relation to a nomination made on or after 18 March 2018 that is not finally determined before the commencement day.

(3) The amendments of regulation 2.73AA made by the amending regulations apply in relation to a nomination made on or after the commencement day.

(4) The amendments of regulation 2.75 made by the amending regulations apply in relation to a nomination made on or after 18 March 2018.

(5) A person is not required to comply with subregulation 2.87B(2) or (3) in relation to a period of 12 months ending on or after the commencement day.

(6) Despite the repeal of paragraphs 5.19(5)(i) and 5.19(10)(c) by the amending regulations, those paragraphs, as in force immediately before the commencement day, continue to apply in relation to an application for approval of a nomination made before the commencement day.

(7) Regulation 5.37A, as inserted by the amending regulations, applies in relation to a nomination the application for approval of which is made on or after the commencement day.

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Part 78—Amendments made by the Migration Amendment (Pathway to Permanent Residence for Retirees) Regulations 2018

7801 Operation of Schedule 1

The amendments of these Regulations made by items 1 to 76 of Schedule 1 to the *Migration Amendment (Pathway to Permanent Residence for Retirees) Regulations 2018* apply in relation to visa applications made on or after 17 November 2018.

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Part 80—Amendments made by the Migration Amendment (Enhanced Integrity) Regulations 2018

8001 Operation of Part 2 of Schedule 1

The amendments of these Regulations made by Part 2 of Schedule 1 to the *Migration Amendment (Enhanced Integrity) Regulations 2018* apply in relation to decisions made after that Part commences.

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Part 81—Amendments made by the Migration Amendment (New Skilled Regional Visas) Regulations 2019

8101 Transitional provisions in relation to Subclass 187 (Regional Sponsored Migration Scheme) visa

(1) This clause applies in relation to a nomination under regulation 5.19 if:
  (a) the nomination relates to a Subclass 187 (Regional Sponsored Migration Scheme) visa; and
  (b) the person identified in the nomination:
    (i) did not apply for a Subclass 187 (Regional Sponsored Migration Scheme) visa on the basis of the nomination on or before 16 November 2019; and
    (ii) if the nomination relates to a Subclass 187 (Regional Sponsored Migration Scheme) visa in the Temporary Residence Transition stream—is not a transitional 457 worker, or transitional 482 worker, on 16 November 2019.

Applications for approval of nominations that are not decided before 16 November 2019

(2) An application for approval of the nomination is taken to be withdrawn on 16 November 2019 if:
  (a) the Minister did not approve, and did not refuse to approve, the nomination under subregulation 5.19(3) on or before 15 November 2019; and
  (b) the application was not withdrawn on or before 15 November 2019.

Refund of nomination training contribution charge

(3) The Minister must refund any nomination training contribution charge mentioned in paragraph 5.19(2)(fa) paid in relation to the nomination if:
  (a) either:
    (i) the application for approval of the nomination is taken to be withdrawn under subclause (2) of this clause; or
    (ii) the Minister refused to approve the nomination under subregulation 5.19(3)(b), and on 16 November 2019 the application for approval is not finally determined; and
  (b) the Minister:
    (i) receives a written request for a refund from the person who paid the charge; or
    (ii) considers it is reasonable in the circumstances to refund the charge to the person who paid the charge without receiving a written request for a refund.

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Clause 8101

(4) The Minister may refund any nomination training contribution charge mentioned in paragraph 5.19(2)(fa) paid in relation to the nomination if:

(a) the Minister approved the nomination under paragraph 5.19(3)(a) on or before 15 November 2019; and

(b) the Minister:

(i) receives a written request for a refund from the person who paid the charge; or

(ii) considers it is reasonable in the circumstances to refund the charge to the person who paid the amount without receiving a written request for a refund.

(5) A refund under subclause (3) or (4) must be paid to the person who paid the charge.

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Part 82—Amendments made by the Migration Amendment (Chest X-ray Requirements) Regulations 2019

8201 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Migration Amendment (Chest X-ray Requirements) Regulations 2019* apply in relation to:

(a) applications for Subclass 785 (Temporary Protection) visas or Subclass 790 (Safe Haven Enterprise) visas made, but not finally determined, before 2 March 2019; and

(b) applications for Subclass 785 (Temporary Protection) visas or Subclass 790 (Safe Haven Enterprise) visas made on or after 2 March 2019.

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Part 84—Amendments made by the Migration Amendment (Working Holiday Maker) Regulations 2019

8401 Operation of Schedule 1

The amendments of these Regulations made by items 1 to 16 of Schedule 1 to the *Migration Amendment (Working Holiday Maker) Regulations 2019* apply in relation to visa applications made on or after 1 July 2019.

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Part 85—Amendments made by the Migration Amendment (Temporary Sponsored Parent Visa and Other Measures) Regulations 2019

8501 Definitions

In this Part:

amending regulations means the *Migration Amendment (Temporary Sponsored Parent Visa and Other Measures) Regulations 2019*.

commencement day means the day Schedule 3 to the amending regulations commences.

8502 Operation of Schedule 3

(1) Subject to subclauses (2) and (3), the amendments of these Regulations made by Schedule 3 to the amending regulations apply in relation to the following:
  (a) a visa application made on or after the commencement day;
  (b) a visa granted on or after the commencement day if the application for the visa was made on or after the commencement day.

(2) If:
  (a) an application for a Subclass 405 (Investor Retirement) visa is made before, on or after the commencement day; and
  (b) the applicant is seeking to satisfy the primary criteria for the grant of the visa; and
  (c) either:
    (i) the applicant is the holder of a Subclass 405 (Investor Retirement) visa that was applied for before the commencement day; or
    (ii) the last substantive visa held by the applicant since last entering Australia was a Subclass 405 (Investor Retirement) visa that was applied for before the commencement day;

then, despite the amendment of paragraph 405.228(5)(a) of Schedule 2 to these Regulations made by item 5 of Schedule 3 to the amending regulations, that paragraph, as in force immediately before the commencement day, continues to apply in relation to the application.

(3) If:
  (a) an application for a Subclass 405 (Investor Retirement) visa is made before, on or after the commencement day; and
  (b) the applicant is seeking to satisfy the secondary criteria for the grant of the visa; and
  (c) either:

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Clause 8502

(i) the applicant is the holder of a Subclass 405 (Investor Retirement) visa that was applied for before the commencement day; or

(ii) the last substantive visa held by the applicant since last entering Australia was a Subclass 405 (Investor Retirement) visa that was applied for before the commencement day;

then, despite the amendment of subclause 405.330(2) of Schedule 2 to these Regulations made by item 6 of Schedule 3 to the amending regulations, that subclause, as in force immediately before the commencement day, continues to apply in relation to the application.

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Part 86—Amendments made by the Migration Amendment (Visa Application Charges) Regulations 2019

8601 Operation of Part 1 of Schedule 1

The amendments of these Regulations made by Division 1 of Part 1 of Schedule 1 to the *Migration Amendment (Visa Application Charges) Regulations 2019* apply in relation to visa applications made on or after 1 July 2019.

8602 Operation of Part 2 of Schedule 1

The amendments of these Regulations made by Division 1 of Part 2 of Schedule 1 to the *Migration Amendment (Visa Application Charges) Regulations 2019* apply in relation to visa applications made on or after 16 November 2019.

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Part 87—Amendments made by the Home Affairs Legislation Amendment (2019 Measures No. 1) Regulations 2019

8701 Operation of Schedule 2

The amendments of these Regulations made by items 1 and 2 of Schedule 2 to the *Home Affairs Legislation Amendment (2019 Measures No. 1) Regulations 2019* apply in relation to visa applications made on or after 16 November 2019.

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Part 88—Amendments made by the Migration Amendment (Subclass 600 and 870 Visas) Regulations 2019

8801 Operation of Schedule 1

The amendments of regulation 4.02 of these Regulations made by Schedule 1 to the *Migration Amendment (Subclass 600 and 870 Visas) Regulations 2019* apply in relation to a decision to refuse to grant a visa if the decision is made on or after the commencement of this clause, whether the visa application was made before, on or after that commencement.

8802 Operation of Schedule 2

The amendments of Schedule 2 to these Regulations made by Schedule 2 to the *Migration Amendment (Subclass 600 and 870 Visas) Regulations 2019* apply in relation to a visa if the application for the visa is made on or after 29 February 2020.

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Part 89—Amendments made by the Home Affairs Legislation Amendment (2020 Measures No. 1) Regulations 2020

8901 Operation of Schedule 2

An approval of a person or body as the relevant assessing authority for a skilled occupation:

(a) made under subregulation 2.26B(1A); and

(b) in force immediately before 29 March 2020;

has effect, from 29 March 2020, as if it were:

(c) an approval of that person or body as the relevant assessing authority for:

(i) that occupation; and

(ii) all countries; and

(d) made under subregulation 2.26B(1B).

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Part 90—Amendments made by the Migration Amendment (Hong Kong Passport Holders) Regulations 2020

9001 Subclass 457 visas

(1) This clause applies to a Subclass 457 (Temporary Work (Skilled)) visa if:
  (a) the visa is in effect on or after 9 July 2020 (whether the visa was granted before, on or after 9 July 2020); and
  (b) the visa is granted on the basis that the holder satisfied the primary criteria for the grant of the visa; and
  (c) on the date of grant of the visa, the holder holds a Hong Kong passport.

(2) This clause also applies to a Subclass 457 (Temporary Work (Skilled)) visa if:
  (a) the visa is in effect on or after 9 July 2020 (whether the visa was granted before, on or after 9 July 2020); and
  (b) the visa is granted on the basis that the holder satisfied the secondary criteria for the grant of the visa as a member of the family unit of a person (the ***primary applicant***) who satisfied the primary criteria for the grant of a Subclass 457 (Temporary Work (Skilled)) visa (the ***primary visa***); and
  (c) on the date of grant of the primary visa, the primary applicant holds a Hong Kong passport.

(3) Despite former clause 457.511 of Schedule 2 to these Regulations, a visa to which this clause applies is a temporary visa permitting the holder to:
  (a) travel to, and enter, Australia on multiple occasions; and
  (b) remain in Australia;

during the period that:
  (c) starts when the visa comes into effect; and
  (d) ends on 8 July 2025.

9002 Subclass 482 visas granted before 9 July 2020

(1) This clause applies to a Subclass 482 (Temporary Skill Shortage) visa if:
  (a) the visa was granted before 9 July 2020; and
  (b) the visa was granted on the basis that the holder satisfied the primary criteria for the grant of the visa; and
  (c) on the date of grant of the visa, the holder held a Hong Kong passport; and
  (d) the visa did not cease to be in effect before 9 July 2020.

(2) This clause also applies to a Subclass 482 (Temporary Skill Shortage) visa (the ***secondary visa***) if:
  (a) the secondary visa was granted before 9 July 2020; and
  (b) the secondary visa was granted on the basis that the holder satisfied the secondary criteria for the grant of the visa as a member of the family unit

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of a person (the ***primary applicant***) who satisfied the primary criteria for the grant of one of the following visas (the ***primary visa***):

(i) a Subclass 457 (Temporary Work (Skilled)) visa;

(ii) a Subclass 482 (Temporary Skill Shortage) visa; and

(c) on the date of grant of the primary visa, the primary applicant held a Hong Kong passport; and

(d) the secondary visa did not cease to be in effect before 9 July 2020.

(3) Despite clause 482.511 of Schedule 2 to these Regulations, a visa to which this clause applies is a temporary visa permitting the holder to:

(a) travel to, and enter, Australia on multiple occasions; and

(b) remain in Australia;

during the period that:

(c) started when the visa came into effect; and

(d) ends on 8 July 2025.

9003 Subclass 482 visas granted on or after 9 July 2020

(1) The amendment of clause 482.511 of Schedule 2 to these Regulations made by the *Migration Amendment (Hong Kong Passport Holders) Regulations 2020* applies to a Subclass 482 (Temporary Skill Shortage) visa granted on or after 9 July 2020, whether the application for the visa was made before, on or after 9 July 2020.

(2) For the purposes of items 2 and 5 of the table in subclause 482.511(1) of Schedule 2 to these Regulations, all Hong Kong passports are taken to be in a class specified under subclause 482.511(2).

(3) Subclause (2) of this clause ceases to have effect when the first instrument (if any) made under subclause 482.511(2) of Schedule 2 commences.

9004 Subclass 485 visas granted before 9 July 2020

(1) This clause applies to a Subclass 485 (Temporary Graduate) visa if:

(a) the visa was granted before 9 July 2020; and

(b) the visa was granted on the basis that the holder satisfied the primary criteria for the grant of the visa; and

(c) on the date of grant of the visa, the holder held a Hong Kong passport; and

(d) the visa did not cease to be in effect before 9 July 2020.

(2) This clause also applies to a Subclass 485 (Temporary Graduate) visa (the ***secondary visa***) if:

(a) the secondary visa was granted before 9 July 2020; and

(b) the secondary visa was granted on the basis that the holder satisfied the secondary criteria for the grant of the visa as a member of the family unit of a person (the ***primary applicant***) who satisfied the primary criteria for the grant of a Subclass 485 (Temporary Graduate) visa (the ***primary visa***); and

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(c) on the date of grant of the primary visa, the primary applicant held a Hong Kong passport; and

(d) the secondary visa did not cease to be in effect before 9 July 2020.

(3) Despite clause 485.511 of Schedule 2 to these Regulations, a visa to which this clause applies is a temporary visa permitting the holder to:

(a) travel to, and enter, Australia on multiple occasions; and

(b) remain in Australia;

during the period that:

(c) started when the visa came into effect; and

(d) ends on 8 July 2025.

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Part 91—Amendments made by the Migration Amendment (COVID-19 Concessions) Regulations 2020

9101 Operation of Parts 2, 3 and 4 of Schedule 1

(1) Subject to subclause (1A), the amendments of these Regulations made by Parts 2, 3 and 4 of Schedule 1 to the *Migration Amendment (COVID-19 Concessions) Regulations 2020* apply in relation to an application for a visa made on or after 19 September 2020.

(1A) The amendment of these Regulations made by item 9 of Part 2 of Schedule 1 to the *Migration Amendment (COVID-19 Concessions) Regulations 2020* applies in relation to an application for a visa:

(a) made, but not finally determined, before 19 September 2020; or

(b) made on or after 19 September 2020.

(2) For the purposes of the application of paragraph (b) of condition 8557 in Schedule 8, the amendment made by item 10 of Part 3 of Schedule 1 to the *Migration Amendment (COVID-19 Concessions) Regulations 2020* applies in relation to a complying significant investment held by the holder of a Subclass 188 visa in the Significant Investor stream, or the holder of a Subclass 188 visa in the Significant Investor Extension stream, that was granted before 1 July 2019 as if the amendment was in force at the time the visa was granted.

9102 Operation of Part 5 of Schedule 1

(1) The amendments of these Regulations made by items 34 to 37 of Part 5 of Schedule 1 to the *Migration Amendment (COVID-19 Concessions) Regulations 2020* apply in relation to an application for a visa made on or after 19 September 2020.

(2) The amendments of these Regulations made by item 38 of Part 5 of Schedule 1 to the *Migration Amendment (COVID-19 Concessions) Regulations 2020* apply in relation to an application for a visa:

(a) made, but not finally determined, before 19 September 2020; or

(b) made on or after 19 September 2020.

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Part 92—Amendments made by the Home Affairs Legislation Amendment (2020 Measures No. 2) Regulations 2020

Division 1—Operation of Schedule 1

9201 Operation of Schedule 1

Application of amendments

(1) The amendments made by Schedule 1 to the *Home Affairs Legislation Amendment (2020 Measures No. 2) Regulations 2020* apply in relation to an application for a Subclass 417 (Working Holiday) visa made on or after 14 November 2020.

Specified work taken to be specified Subclass 417 work

(2) For the purposes of these Regulations, as amended by Schedule 1 to the *Home Affairs Legislation Amendment (2020 Measures No. 2) Regulations 2020*, work that:

(a) was carried out at a time occurring before 14 November 2020; and

(b) at that time, was specified work in regional Australia (within the meaning of item 1225 of Schedule 1 to these Regulations, as in force at that time);

is taken to be specified Subclass 417 work.

Saving of instruments

(3) An instrument that:

(a) specified a place for the purposes of the definition of ***regional Australia*** in subitem 1225(5) of Schedule 1; and

(b) was in force immediately before 14 November 2020;

continues in force (and may be dealt with) as if it:

(c) had been made under regulation 1.15FAA, as inserted by Schedule 1 to the *Home Affairs Legislation Amendment (2020 Measures No. 2) Regulations 2020*; and

(d) specifies that place as an area for the purposes of the definition of ***specified Subclass 417 work*** in regulation 1.03.

(4) An instrument that:

(a) specified a kind of work for the purposes of the definition of ***specified work*** in subitem 1225(5) of Schedule 1; and

(b) was in force immediately before 14 November 2020;

continues in force (and may be dealt with) as if it:

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(c) had been made under regulation 1.15FAA, as inserted by Schedule 1 to the *Home Affairs Legislation Amendment (2020 Measures No. 2) Regulations 2020*; and

(d) specifies that kind of work for the purposes of the definition of ***specified Subclass 417 work*** in regulation 1.03.

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Division 2—Operation of Schedule 2

9202 Operation of Part 1 of Schedule 2

(1) The amendments made by Part 1 of Schedule 2 to the *Home Affairs Legislation Amendment (2020 Measures No. 2) Regulations 2020* (the ***amending regulations***) do not apply in relation to:

(a) an application for a Subclass 124 (Distinguished Talent) visa made before 14 November 2020; or

(b) a Subclass 124 (Distinguished Talent) visa granted:

(i) before 14 November 2020; or

(ii) on or after 14 November 2020, if the application for the visa was made before 14 November 2020.

(2) In particular, despite the repeal or amendment of provisions of these Regulations by Part 1 of Schedule 2 to the amending regulations, those provisions, as in force immediately before 14 November 2020, continue to apply in relation to an application for a Subclass 124 (Distinguished Talent) visa if:

(a) the application is taken to have been made by a person before, on or after 14 November 2020 in accordance with regulation 2.08 or 2.08A; and

(b) for an application taken to have been made in accordance with regulation 2.08—the non-citizen mentioned in paragraph 2.08(1)(a) applied for his or her visa before 14 November 2020; and

(c) for an application taken to have been made in accordance with regulation 2.08A—the original applicant mentioned in paragraph 2.08A(1)(a) applied for his or her visa before 14 November 2020.

9203 Operation of Part 2 of Schedule 2

(1) The amendments made by Division 1 of Part 2 of Schedule 2 to the *Home Affairs Legislation Amendment (2020 Measures No. 2) Regulations 2020* apply in relation to an application for a Subclass 858 (Distinguished Talent) visa made on or after 14 November 2020.

(2) The amendments made by Division 2 of Part 2 of Schedule 2 to the *Home Affairs Legislation Amendment (2020 Measures No. 2) Regulations 2020* apply in relation to an application for a Subclass 773 (Border) visa made on or after 14 November 2020.

(3) For the purposes of paragraph 773.213(2)(zy) of Schedule 2, as inserted by Division 2 of Part 2 of Schedule 2 to the *Home Affairs Legislation Amendment (2020 Measures No. 2) Regulations 2020*, it does not matter whether a Distinguished Talent (Class BX) visa was granted before, on or after 14 November 2020.

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Division 3—Transitional provisions relating to Subclass 417 and 462 visas

9204 Definitions

(1) In this Division:

COVID-19 pandemic event 408 visa means a Subclass 408 (Temporary Activity) visa granted on the basis that the applicant satisfied the criterion in clause 408.219A of Schedule 2 on the basis of clause 408.229 (Australian Government endorsed events) in relation to:

(a) if no instrument made under subclause (2) of this clause is in effect—the COVID-19 pandemic (within the meaning of LIN 20/229, as in force on 14 November 2020); or

(b) an event specified under subclause (2) of this clause.

special Subclass 417 work means specified Subclass 417 work of a kind:

(a) if no instrument made under subclause (3) of this clause is in effect—specified by section 9 of LIN 20/182, as in force on 14 November 2020; or

(b) specified under subclause (3) of this clause.

Note: Section 9 of LIN 20/182 specified critical COVID-19 work in the healthcare and medical sectors.

special Subclass 462 work means specified Subclass 462 work of a kind:

(a) if no instrument made under subclause (4) of this clause is in effect—specified by section 11 of LIN 20/184, as in force on 14 November 2020; or

(b) specified under subclause (4) of this clause.

Note: Section 11 of LIN 20/184 specified critical COVID-19 work in the healthcare and medical sectors.

(2) The Minister may, by legislative instrument, specify an event for the purposes of paragraph (b) of the definition of ***COVID-19 pandemic event 408 visa*** in subclause (1), if the event is specified for the purposes of paragraph 408.229(b) of Schedule 2.

(3) The Minister may, by legislative instrument, specify kinds of specified Subclass 417 work for the purposes of the definition of ***special Subclass 417 work*** in subclause (1).

(4) The Minister may, by legislative instrument, specify kinds of specified Subclass 462 work for the purposes of the definition of ***special Subclass 462 work*** in subclause (1).

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9205 Transitional provision—applicants for second Subclass 417 visas who carried out specified Subclass 417 work under COVID-19 pandemic event visas

Scope of this clause

(1) This clause applies in relation to an application (the ***second 417 application***) for a Subclass 417 (Working Holiday) visa made on or after 14 November 2020, if:
  (a) the applicant has held only one Subclass 417 (Working Holiday) visa (the ***first 417 visa***) in Australia; and
  (b) before the day (the ***second 417 application day***) the second 417 application is made, the applicant carried out specified Subclass 417 work as the holder of:
    (i) an eligible 408 visa; or
    (ii) a bridging visa that was in effect and granted on the basis of an application for an eligible 408 visa; and
  (c) some or all of that work was special Subclass 417 work.

Work under COVID-19 pandemic event visas to be counted for purposes of second 417 application

(2) The following provisions apply in relation to the work mentioned in paragraph (1)(b) of this clause in the same way as those provisions apply in relation to specified Subclass 417 work that the applicant carried out as the holder of the first 417 visa:
  (a) paragraph 1225(3B)(c) of Schedule 1;
  (b) paragraph 417.211(5)(a) of Schedule 2.

When second 417 visa is in effect

(3) If, on the second 417 application day, the applicant holds an eligible 408 visa, then a Subclass 417 (Working Holiday) visa granted on the basis of the second 417 application is a temporary visa permitting the holder to travel to, enter and remain in Australia until 12 months after the date that the eligible 408 visa would have otherwise ceased to be in effect.

(4) Subclause (3) has effect despite clause 417.511 of Schedule 2.

Meaning of eligible 408 visa

(5) For the purposes of this clause, an ***eligible 408 visa*** is a COVID-19 pandemic event 408 visa granted on the basis of an application made:
  (a) while the applicant held the first 417 visa; or
  (b) within 28 days after the day when the first 417 visa ceased to be in effect; or
  (c) while the applicant held an earlier eligible 408 visa; or
  (d) within 28 days after an earlier eligible 408 visa held by the applicant ceased to be in effect.

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Clause 9206

9206 Transitional provision—applicants for third Subclass 417 visas who carried out specified Subclass 417 work under COVID-19 pandemic event visas

Scope of this clause

(1) This clause applies in relation to an application (the ***third 417 application***) for a Subclass 417 (Working Holiday) visa made on or after 14 November 2020, if:
  (a) the applicant has held 2 Subclass 417 (Working Holiday) visas in Australia (the earlier of which is the ***first 417 visa*** and the latter of which is the ***second 417 visa***); and
  (b) before the day (the ***third 417 application day***) the third 417 application is made, the applicant carried out specified Subclass 417 work as the holder of:
    (i) an eligible 408 visa; or
    (ii) a bridging visa that was in effect and granted on the basis of an application for an eligible 408 visa; or
    (iii) if, when the application for the second 417 visa was made, the applicant held a COVID-19 pandemic event 408 visa to which subclause (6) applies—a bridging visa granted on the basis of the application for the second 417 visa; and
  (c) some or all of that work was special Subclass 417 work.

Work under COVID-19 pandemic event visas to be counted for purposes of third 417 application

(2) The following provisions apply in relation to the specified Subclass 417 work mentioned in paragraph (1)(b) of this clause in the same way as those provisions apply in relation to specified Subclass 417 work that the applicant carried out as the holder of the second 417 visa:
  (a) subparagraph 1225(3B)(ca)(ii) of Schedule 1;
  (b) paragraph 417.211(6)(c) of Schedule 2.

When third 417 visa is in effect

(3) If, on the third 417 application day, the applicant holds an eligible 408 visa, then a Subclass 417 (Working Holiday) visa granted on the basis of the third 417 application is a temporary visa permitting the holder to travel to, enter and remain in Australia until 12 months after the date that the eligible 408 visa would have otherwise ceased to be in effect.

(4) Subclause (3) has effect despite clause 417.511 of Schedule 2.

Meaning of eligible 408 visa etc.

(5) For the purposes of this clause, an ***eligible 408 visa*** is a COVID-19 pandemic event 408 visa granted on the basis of an application made:
  (a) while the applicant held the second 417 visa; or

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(b) within 28 days after the day when the second 417 visa ceased to be in effect; or

(c) while the applicant held an earlier eligible 408 visa; or

(d) within 28 days after an earlier eligible 408 visa held by the applicant ceased to be in effect.

(6) For the purposes of subparagraph (1)(b)(iii), this subclause applies to a COVID-19 pandemic event 408 visa granted on the basis of an application made:

(a) while the applicant held the first 417 visa; or

(b) within 28 days after the day when the first 417 visa ceased to be in effect; or

(c) while the applicant held an earlier COVID-19 pandemic event 408 visa to which this subclause applies; or

(d) within 28 days after an earlier COVID-19 pandemic event 408 visa to which this subclause applies held by the applicant ceased to be in effect.

9207 Transitional provision—applicants for second Subclass 462 visas who carried out specified Subclass 462 work under COVID-19 pandemic event visas

Scope of this clause

(1) This clause applies in relation to an application (the ***second 462 application***) for a Subclass 462 (Work and Holiday) visa made on or after 14 November 2020, if:

(a) the applicant has held only one Subclass 462 (Work and Holiday) visa (the ***first 462 visa***) in Australia; and

(b) before the day (the ***second 462 application day***) the second 462 application is made, the applicant carried out specified Subclass 462 work as the holder of:

(i) an eligible 408 visa; or

(ii) a bridging visa that was in effect and granted on the basis of an application for an eligible 408 visa; and

(c) some or all of that work was special Subclass 462 work.

Work under COVID-19 pandemic event visas to be counted for purposes of second 462 application

(2) The following provisions apply in relation to the work mentioned in paragraph (1)(b) of this clause in the same way as those provisions apply in relation to specified Subclass 462 work that the applicant carried out as the holder of the first 462 visa:

(a) subparagraph 1224A(3)(c)(ii) of Schedule 1;

(b) clause 462.218 of Schedule 2.

When second 462 visa is in effect

(3) If, on the second 462 application day, the applicant holds an eligible 408 visa, then a Subclass 462 (Work and Holiday) visa granted on the basis of the second

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462 application is a temporary visa permitting the holder to travel to, enter and remain in Australia until 12 months after the date that the eligible 408 visa would have otherwise ceased to be in effect.

(4) Subclause (3) has effect despite Division 462.5 of Schedule 2.

Meaning of eligible 408 visa

(5) For the purposes of this clause, an ***eligible 408 visa*** is a COVID-19 pandemic event 408 visa granted on the basis of an application made:
  (a) while the applicant held the first 462 visa; or
  (b) within 28 days after the day when the first 462 visa ceased to be in effect; or
  (c) while the applicant held an earlier eligible 408 visa; or
  (d) within 28 days after an earlier eligible 408 visa held by the applicant ceased to be in effect.

9208 Transitional provision—applicants for third Subclass 462 visas who carried out specified Subclass 462 work under COVID-19 pandemic event visas

Scope of this clause

(1) This clause applies in relation to an application (the ***third 462 application***) for a Subclass 462 (Work and Holiday) visa made on or after 14 November 2020, if:
  (a) the applicant has held 2 Subclass 462 (Work and Holiday) visas in Australia (the earlier of which is the ***first 462 visa*** and the latter of which is the ***second 462 visa***); and
  (b) before the day (the ***third 462 application day***) the third 462 application is made, the applicant carried out specified Subclass 462 work as the holder of:
    (i) an eligible 408 visa; or
    (ii) a bridging visa that was in effect and granted on the basis of an application for an eligible 408 visa; or
    (iii) if, when the application for the second 462 visa was made, the applicant held a COVID-19 pandemic event 408 visa to which subclause (6) applies—a bridging visa granted on the basis of the application for the second 462 visa; and
  (c) some or all of that work was special Subclass 462 work.

Work under COVID-19 pandemic event visas to be counted for purposes of third 462 application

(2) The following provisions apply in relation to the specified Subclass 462 work mentioned in paragraph (1)(b) of this clause in the same way as those provisions apply in relation to specified Subclass 462 work that the applicant carried out as the holder of the second 462 visa:
  (a) subparagraph 1224A(3)(c)(iia) of Schedule 1;

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(b) clause 462.219 of Schedule 2.

When third 462 visa is in effect

(3) If, on the third 462 application day, the applicant holds an eligible 408 visa, then a Subclass 462 (Work and Holiday) visa granted on the basis of the third 462 application is a temporary visa permitting the holder to travel to, enter and remain in Australia until 12 months after the date that the eligible 408 visa would have otherwise ceased to be in effect.

(4) Subclause (3) has effect despite Division 462.5 of Schedule 2.

Meaning of eligible 408 visa etc.

(5) For the purposes of this clause, an ***eligible 408 visa*** is a COVID-19 pandemic event 408 visa granted on the basis of an application made:
(a) while the applicant held the second 462 visa; or
(b) within 28 days after the day when the second 462 visa ceased to be in effect; or
(c) while the applicant held an earlier eligible 408 visa; or
(d) within 28 days after an earlier eligible 408 visa held by the applicant ceased to be in effect.

(6) For the purposes of subparagraph (1)(b)(iii), this subclause applies to a COVID-19 pandemic event 408 visa granted on the basis of an application made:
(a) while the applicant held the first 462 visa; or
(b) within 28 days after the day when the first 462 visa ceased to be in effect; or
(c) while the applicant held an earlier COVID-19 pandemic event 408 visa to which this subclause applies; or
(d) within 28 days after an earlier COVID-19 pandemic event 408 visa to which this subclause applies held by the applicant ceased to be in effect.

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Part 93—Amendments made by the Migration Amendment (Temporary Graduate Visas) Regulations 2020

9301 Operation of Schedule 2

The amendments of these Regulations made by Schedule 2 to the *Migration Amendment (Temporary Graduate Visas) Regulations 2020* apply in relation to visa applications made on or after the commencement of that Schedule.

9302 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Migration Amendment (Temporary Graduate Visas) Regulations 2020* apply in relation to visa applications made on or after the commencement of that Schedule.

9303 Living, working and studying in a regional centre or other regional area

(1) This clause applies if, at the commencement of Schedule 1 to the *Migration Amendment (Temporary Graduate Visas) Regulations 2020*, a place is a regional centre or other regional area.

(2) For the purposes of clause 485.232 of Schedule 2 to these Regulations, the place is taken to have been a regional centre or other regional area at all times before that commencement.

9304 Living, working and studying in a designated regional area

(1) This clause applies if, at a time occurring before the commencement of Schedule 1 to the *Migration Amendment (Temporary Graduate Visas) Regulations 2020*, a place was a designated regional area within the meaning of these Regulations as in force at that time.

(2) For the purposes of clause 485.233 of Schedule 2 to these Regulations, the place is taken to have been a designated regional area within the meaning of these Regulations as amended by Schedule 1 to the *Migration Amendment (Temporary Graduate Visas) Regulations 2020*, at that time.

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Part 94—Amendments made by the Migration Amendment (Subclass 189 Visas) Regulations 2021

9401 Operation of Schedule 1

The amendments made by items 1 to 4 of Schedule 1 to the *Migration Amendment (Subclass 189 Visas) Regulations 2021* apply in relation to visa applications made on or after 1 July 2021.

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Part 95—Amendments made by the Migration Amendment (2021 Measures No. 1) Regulations 2021

9501 Operation of Schedule 2 (Subclass 300 (Prospective Marriage) visas)

The amendment made by Schedule 2 to the *Migration Amendment (2021 Measures No. 1) Regulations 2021* applies in relation to a Subclass 300 (Prospective Marriage) visa granted on or after 27 February 2021, whether the application for the visa was made before, on or after 27 February 2021.

9502 Operation of Schedule 4 (Distinguished Talent (Class BX) visas)

(1) The amendments made by Division 1 of Part 1, and Division 2 of Part 2, of Schedule 4 to the *Migration Amendment (2021 Measures No. 1) Regulations 2021* apply in relation to an application for a visa made on or after 27 February 2021.

(2) To avoid doubt, the reference in paragraph 773.213(2)(zy) of Schedule 2 to these Regulations to a Global Talent (Class BX) visa is taken to include a reference to a Distinguished Talent (Class BX) visa issued on the basis of an application made before 27 February 2021.

9503 Transitional provision—Subclass 124 (Distinguished Talent) visas and Subclass 858 (Distinguished Talent) visas

(1) Division 124.4 of Schedule 2, as in force immediately before 14 November 2020, does not apply in relation to an application for a Subclass 124 (Distinguished Talent) visa if:
  (a) the application was made before 14 November 2020; and
  (b) the application was not finally determined before 27 February 2021; and
  (c) the applicant is not in immigration clearance when the visa is granted.

Note: Former Division 124.4 required an applicant to be outside Australia when a visa is granted.

(2) Division 858.4 of Schedule 2, as in force immediately before 14 November 2020, does not apply in relation to an application for a Subclass 858 (Distinguished Talent)) visa if:
  (a) the application was made before 14 November 2020; and
  (b) the application was not finally determined before 27 February 2021; and
  (c) the applicant is not in immigration clearance when the visa is granted.

Note: Immediately before 14 November 2020, Division 858.4 required an applicant to be in Australia when a visa is granted.

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Clause 9601

Part 96—Amendments made by the Migration Amendment (Bridging Visa Conditions) Regulations 2021

9601 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Migration Amendment (Bridging Visa Conditions) Regulations 2021* apply in relation to a bridging visa granted on or after the commencement of that Schedule.

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Part 97—Amendments made by the Migration Amendment (Subclass 417 and 462 Visas) Regulations 2021

9701 Application of amendments

(1) The amendments made by Schedule 1 to the *Migration Amendment (Subclass 417 and 462 Visas) Regulations 2021* (the ***amending Schedule***) apply in relation to any visa application made after the commencement of the amending Schedule.

(2) However, to the extent that the application relates to work carried out before that commencement, paragraphs 417.211(5)(d), 417.211(6)(f), 462.218(1)(d) and 462.219(1)(f) of Schedule 2 to these Regulations (as inserted by the amending Schedule) do not apply in relation to that work.

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Part 98—Amendments made by the Migration Amendment (Visa Application Charges) Regulations 2021

9801 Operation of Part 1 of Schedule 1

The amendments of these Regulations made by Part 1 of Schedule 1 to the *Migration Amendment (Visa Application Charges) Regulations 2021* apply in relation to visa applications made on or after 1 July 2021.

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Part 99—Amendments made by the Home Affairs Legislation Amendment (2021 Measures No. 1) Regulations 2021

9901 Operation of Schedule 1 (Business Innovation and Investment Program)

The amendments of these Regulations made by Schedule 1 to the *Home Affairs Legislation Amendment (2021 Measures No. 1) Regulations 2021* apply in relation to an application for a visa made on or after 1 July 2021.

9902 Operation of Schedule 2 (working holiday maker visas)

The amendments of these Regulations made by Schedule 2 to the *Home Affairs Legislation Amendment (2021 Measures No. 1) Regulations 2021* apply in relation to an application for a visa made on or after 1 July 2021.

9903 Operation of Schedule 3 (bridging visa amendments)

(1) The amendments of these Regulations made by items 1 to 4 of Schedule 3 to the *Home Affairs Legislation Amendment (2021 Measures No. 1) Regulations 2021* apply in relation to a Bridging E (Class WE) visa:

(a) granted as a result of an application for the visa made on or after 1 July 2021; or

(b) granted by the Minister under regulation 2.25 on or after 1 July 2021.

(2) The amendment of these Regulations made by item 5 of Schedule 3 to the *Home Affairs Legislation Amendment (2021 Measures No. 1) Regulations 2021* applies in relation to a visa granted on or after 1 July 2021.

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Part 100—Amendments made by the Migration Amendment (Merits Review) Regulations 2021

10001 Operation of Schedule 1

The amendment made by item 1 of Schedule 1 to the *Migration Amendment (Merits Review) Regulations 2021* applies in relation to an application for review made on or after 1 July 2021.

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Part 101—Amendments made by the Migration Legislation Amendment (Hong Kong) Regulations 2021

Division 1—Amendments made by Schedule 1

10101 Subclass 457 visas

(1) This clause applies to a Subclass 457 (Temporary Work (Skilled)) visa if:
  (a) the visa is in effect on or after 9 July 2020 (whether the visa was granted before, on or after 9 July 2020); and
  (b) the visa is granted on the basis that the holder satisfied the primary criteria for the grant of the visa; and
  (c) on the date of grant of the visa, the holder holds a British National (Overseas) passport.

(2) This clause also applies to a Subclass 457 (Temporary Work (Skilled)) visa if:
  (a) the visa is in effect on or after 9 July 2020 (whether the visa was granted before, on or after 9 July 2020); and
  (b) the visa is granted on the basis that the holder satisfied the secondary criteria for the grant of the visa as a member of the family unit of a person (the ***primary applicant***) who satisfied the primary criteria for the grant of a Subclass 457 (Temporary Work (Skilled)) visa (the ***primary visa***); and
  (c) on the date of grant of the primary visa, the primary applicant holds a British National (Overseas) passport.

(3) Despite former clause 457.511 of Schedule 2 to these Regulations, a visa to which this clause applies is a temporary visa permitting the holder to:
  (a) travel to, and enter, Australia on multiple occasions; and
  (b) remain in Australia;

during the period that:
  (c) starts when the visa comes into effect; and
  (d) ends on 8 July 2025.

10102 Subclass 482 visas granted before 9 July 2020

(1) This clause applies to a Subclass 482 (Temporary Skill Shortage) visa if:
  (a) the visa was granted before 9 July 2020; and
  (b) the visa was granted on the basis that the holder satisfied the primary criteria for the grant of the visa; and
  (c) on the date of grant of the visa, the holder held a British National (Overseas) passport; and
  (d) the visa did not cease to be in effect before 9 July 2020.

(2) This clause also applies to a Subclass 482 (Temporary Skill Shortage) visa (the ***secondary visa***) if:

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(a) the secondary visa was granted before 9 July 2020; and

(b) the secondary visa was granted on the basis that the holder satisfied the secondary criteria for the grant of the visa as a member of the family unit of a person (the ***primary applicant***) who satisfied the primary criteria for the grant of one of the following visas (the ***primary visa***):

(i) a Subclass 457 (Temporary Work (Skilled)) visa;

(ii) a Subclass 482 (Temporary Skill Shortage) visa; and

(c) on the date of grant of the primary visa, the primary applicant held a British National (Overseas) passport; and

(d) the secondary visa did not cease to be in effect before 9 July 2020.

(3) Despite clause 482.511 of Schedule 2 to these Regulations, a visa to which this clause applies is a temporary visa permitting the holder to:

(a) travel to, and enter, Australia on multiple occasions; and

(b) remain in Australia;

during the period that:

(c) started when the visa came into effect; and

(d) ends on 8 July 2025.

10103 Subclass 482 visas granted on or after 9 July 2020

The amendments of clause 482.511 of Schedule 2 to these Regulations made by Schedule 1 to the *Migration Legislation Amendment (Hong Kong) Regulations 2021* apply to a Subclass 482 (Temporary Skill Shortage) visa granted on or after 9 July 2020, whether the application for the visa was made before, on or after 9 July 2020.

10104 Subclass 485 visas granted before 9 July 2020

(1) This clause applies to a Subclass 485 (Temporary Graduate) visa if:

(a) the visa was granted before 9 July 2020; and

(b) the visa was granted on the basis that the holder satisfied the primary criteria for the grant of the visa; and

(c) on the date of grant of the visa, the holder held a British National (Overseas) passport; and

(d) the visa did not cease to be in effect before 9 July 2020.

(2) This clause also applies to a Subclass 485 (Temporary Graduate) visa (the ***secondary visa***) if:

(a) the secondary visa was granted before 9 July 2020; and

(b) the secondary visa was granted on the basis that the holder satisfied the secondary criteria for the grant of the visa as a member of the family unit of a person (the ***primary applicant***) who satisfied the primary criteria for the grant of a Subclass 485 (Temporary Graduate) visa (the ***primary visa***); and

(c) on the date of grant of the primary visa, the primary applicant held a British National (Overseas) passport; and

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(d) the secondary visa did not cease to be in effect before 9 July 2020.

(3) Despite clause 485.511 of Schedule 2 to these Regulations, a visa to which this clause applies is a temporary visa permitting the holder to:

(a) travel to, and enter, Australia on multiple occasions; and

(b) remain in Australia;

during the period that:

(c) started when the visa came into effect; and

(d) ends on 8 July 2025.

10105 Subclass 485 visas granted on or after 9 July 2020 and before 3 November 2021

(1) This clause applies to a Subclass 485 (Temporary Graduate) visa if:

(a) the visa is granted:

(i) on or after 9 July 2020; and

(ii) before 3 November 2021; and

(b) the visa is granted on the basis that the holder satisfied the primary criteria for the grant of the visa (other than the criteria in clause 485.232 or 485.233 of Schedule 2); and

(c) on the date of grant of the visa, the holder holds a British National (Overseas) passport.

(2) This clause also applies to a Subclass 485 (Temporary Graduate) visa (the ***secondary visa***) if:

(a) the secondary visa is granted:

(i) on or after 9 July 2020; and

(ii) before 3 November 2021; and

(b) the secondary visa is granted on the basis that the holder satisfied the secondary criteria for the grant of the visa as a member of the family unit of a person (the ***primary applicant***) who satisfied the primary criteria for the grant of a Subclass 485 (Temporary Graduate) visa (the ***primary visa***) (other than the criteria in clause 485.232 or 485.233 of Schedule 2); and

(c) on the date of grant of the primary visa, the primary applicant holds a British National (Overseas) passport.

(3) Despite Division 485.5 of Schedule 2, a visa to which this clause applies is a temporary visa permitting the holder to:

(a) travel to, and enter, Australia on multiple occasions; and

(b) remain in Australia;

during the period that:

(c) starts when the visa comes into effect; and

(d) ends at the end of the period of 5 years starting when the visa comes into effect.

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Division 2—Amendments made by Schedule 2

10106 Subclass 457 visa holders

(1) The requirement in subparagraph 1137(4L)(e)(iii) of Schedule 1 does not apply in relation to a Subclass 457 (Temporary Work (Skilled)) visa granted on or after 9 July 2020.

(2) For the purposes of determining whether subitem 1137(4M) or 1139(3A) of Schedule 1 applies to a Subclass 457 (Temporary Work (Skilled)) visa, disregard paragraph 1137(4M)(c) or 1139(3A)(c) of that Schedule (whichever is applicable) if:

(a) the visa was granted on or after 9 July 2020; and

(b) clause 9001 or 10101 of this Schedule applies to the visa.

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Part 102—Amendments made by the Migration Amendment (Humanitarian Response to Events in Afghanistan) Regulations 2021

10201 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Migration Amendment (Humanitarian Response to Events in Afghanistan) Regulations 2021* apply in relation to an application for a visa made after the commencement of that Schedule.

10202 Applications for Refugee and Humanitarian (Class XB) visas made before commencement

(1) This clause applies to an application for a Refugee and Humanitarian (Class XB) visa made before the commencement of Schedule 1 to the *Migration Amendment (Humanitarian Response to Events in Afghanistan) Regulations 2021* if:

(a) the applicant enters Australia before a decision is made to grant or refuse to grant the visa; and

(b) at any time after the entry to Australia, the applicant holds a Subclass 449 (Humanitarian Stay (Temporary)) visa.

(2) Clause 201.221 of Schedule 2 does not apply in relation to the application.

(3) Despite clauses 200.411, 201.411, 202.411, 203.411 and 204.411 of Schedule 2, the applicant may be in or outside Australia, but not in immigration clearance, when the Refugee and Humanitarian (Class XB) visa is granted.

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Part 103—Amendments made by the Migration Amendment (Extension of Temporary Graduate and Skilled Regional Provisional Visas) Regulations 2022

10301 Operation of Schedule 1

The amendments made by Schedule 1 to the *Migration Amendment (Extension of Temporary Graduate and Skilled Regional Provisional Visas) Regulations 2022* apply in relation to any Subclass 485 (Temporary Graduate) visa granted before, on or after 31 January 2020.

10302 Operation of Schedule 2

The amendments made by Part 1 of Schedule 2 to the *Migration Amendment (Extension of Temporary Graduate and Skilled Regional Provisional Visas) Regulations 2022* apply in relation to any Subclass 489 (Skilled—Regional (Provisional)) visa granted before, on or after 31 January 2020, other than a visa that is cancelled before the earlier of:

(a) 18 February 2022; and

(b) the last date on which, disregarding those amendments, the holder of the visa could travel to, enter and remain in Australia under the visa.

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Part 104—Amendments made by the Migration Amendment (Pacific Australia Labour Mobility) Regulations 2022

10401 Operation of Part 2 of Schedule 1

Despite the amendments of item 1234 of Schedule 1, Part 403 of Schedule 2 and clause 8577 of Schedule 8 to these Regulations made by Part 2 of Schedule 1 to the *Migration Amendment (Pacific Australia Labour Mobility) Regulations 2022*, those provisions, as in force immediately before 4 April 2022, continue to apply in relation to the following as if the amendments had not been made:

(a) an application for a visa made before 4 April 2022;

(b) a visa granted before that day;

(c) a visa granted on or after that day, if the visa is granted as a result of an application for the visa made before that day.

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Part 105—Amendments made by the Migration Amendment (2022 Measures No. 1) Regulations 2022

10501 Operation of Schedule 1 (Subclass 500 (Student) visas)

The amendments of these Regulations made by items 1 to 4 of Schedule 1 to the *Migration Amendment (2022 Measures No. 1) Regulations 2022* apply on and after the commencement of that Schedule in relation to visas granted before, on or after that commencement.

10502 Operation of Schedule 2 (Subclass 445 (Dependent Child) visas)

(1) The amendments of these Regulations made by items 1 to 4 of Schedule 2 to the *Migration Amendment (2022 Measures No. 1) Regulations 2022* apply in relation to decisions to refuse to grant Subclass 445 (Dependent Child) visas made after the commencement of that Schedule, whether the application for the visa was made before, on or after that commencement.

(2) The amendment of these Regulations made by item 5 of Schedule 2 to the *Migration Amendment (2022 Measures No. 1) Regulations 2022* applies in relation to visa applications made on or after the commencement of that Schedule.

(3) The amendment of these Regulations made by item 7 of Schedule 2 to the *Migration Amendment (2022 Measures No. 1) Regulations 2022* applies in relation to visa applications made before, on or after the commencement of that Schedule.

10503 Operation of Schedule 3 (Subclass 155 and 157 (Resident Return) visas)

(1) The amendment of these Regulations made by item 1 of Schedule 3 to the *Migration Amendment (2022 Measures No. 1) Regulations 2022* applies in relation to visa applications made on or after the commencement of that Schedule.

(2) The amendments of these Regulations made by items 2 and 3 of Schedule 3 to the *Migration Amendment (2022 Measures No. 1) Regulations 2022* apply in relation to visa applications made before, on or after the commencement of that Schedule.

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Part 106—Amendments made by the Migration Amendment (Subclass 417 and 462 Visas) Regulations 2022

10601 Operation of Part 1 of Schedule 1

The amendments made by Part 1 of Schedule 1 to the *Migration Amendment (Subclass 417 and 462 Visas) Regulations 2022* apply in relation to an application for a visa made on or after 5 March 2022.

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Part 107—Amendments made by the Migration Amendment (2022 Measures No. 2) Regulations 2022

10701 Operation of Schedule 1 (Subclass 476 (Skilled—Recognised Graduate) visas)

The amendments made by Part 1 of Schedule 1 to the *Migration Amendment (2022 Measures No. 2) Regulations 2022* apply to a Subclass 476 (Skilled—Recognised Graduate) visa if:

(a) the visa:

(i) was granted before 31 January 2020; and

(ii) did not cease to be in effect before 31 January 2020; or

(b) the visa is granted on or after 31 January 2020.

10702 Operation of Schedule 2 (Electronic Travel Authority (Class UD) visas)

(1) The amendments made by Part 1 of Schedule 2 to the *Migration Amendment (2022 Measures No. 2) Regulations 2022* apply in relation to an application for a visa made on or after 5 April 2022.

(2) For the purposes of paragraph 2.07AB(1)(g), as amended by Part 1 of Schedule 2 to the *Migration Amendment (2022 Measures No. 2) Regulations 2022*, an approval by the Minister that:

(a) is an approval of an agent as an agent with whom an application for an Electronic Travel Authority (Class UD) visa may be made; and

(b) was in force immediately before 5 April 2022;

has effect, on and after 5 April 2022, as if it had been made for the purposes of that paragraph.

10703 Operation of Schedule 3 (Temporary Skill Shortage (Class GK) visas)

The amendments made by Schedule 3 to the *Migration Amendment (2022 Measures No. 2) Regulations 2022* apply in relation to an application referred to in subparagraph 1240(3)(b)(i) of Schedule 1 to these Regulations that is made on or after the commencement of those amendments.

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Clause 10801

Part 108—Amendments made by the Migration Amendment (Protecting Australia's Critical Technology) Regulations 2022 and Migration Amendment (Postgraduate Research in Critical Technology—Student Visa Conditions) Regulations 2022

10801 Operation of amendments relating to Subclass 500 (Student) visas

The amendments made by Division 1 of Part 1 of Schedule 1 to the *Migration Amendment (Protecting Australia's Critical Technology) Regulations 2022* and Part 1 of Schedule 1 to the *Migration Amendment (Postgraduate Research in Critical Technology—Student Visa Conditions) Regulations 2022* apply in relation to any application for a visa made on or after 1 July 2022.

10802 Operation of Part 2 of Schedule 1 (public interest criterion and visa cancellation)

(1) The amendments made by Division 1 of Part 2 of Schedule 1 to the *Migration Amendment (Protecting Australia's Critical Technology) Regulations 2022* apply in relation to any application for a visa made after the commencement of that Part.

(2) The amendments made by Division 2 of Part 2 of Schedule 1 to the *Migration Amendment (Protecting Australia's Critical Technology) Regulations 2022* apply in relation to any visa granted before, at or after the commencement of that Part.

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Part 109—Amendments made by the Home Affairs Legislation Amendment (2022 Measures No. 1) Regulations 2022

10901 Operation of Schedule 2 (New Zealand Citizen Family Relationship (Temporary) visas)

(1) The amendments of these Regulations made by items 1 to 5 of Schedule 2 to the *Home Affairs Legislation Amendment (2022 Measures No. 1) Regulations 2022* apply in relation to an application for a visa made on or after 1 July 2022.

(2) The amendment of these Regulations made by item 6 of Schedule 2 to the *Home Affairs Legislation Amendment (2022 Measures No. 1) Regulations 2022* applies in relation to a visa granted on or after 1 July 2022, whether the application for the visa was made before, on or after that date.

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Part 110—Amendments made by the Migration Amendment (Visa Application Charges) Regulations 2022

11001 Operation of Part 1 of Schedule 1

The amendments of these Regulations made by Part 1 of Schedule 1 to the *Migration Amendment (Visa Application Charges) Regulations 2022* apply in relation to visa applications made on or after 1 July 2022.

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Part 111—Amendments made by the Migration Amendment (Subclass 485 (Temporary Graduate) Visa Replacement Stream and Other Measures) Regulations 2022

11101 Operation of amendments

The amendments of these Regulations made by the *Migration Amendment (Subclass 485 (Temporary Graduate) Visa Replacement Stream and Other Measures) Regulations 2022* apply in relation to an application for a Subclass 485 (Temporary Graduate) visa made on or after 1 July 2022.

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Part 112—Amendments made by the Migration Amendment (Subclass 202 Visas) Regulations 2022

11201 Operation of Part 1 of Schedule 1 (Subclass 202 (Global Special Humanitarian) visas)

The amendments made by Part 1 of Schedule 1 to the *Migration Amendment (Subclass 202 Visas) Regulations 2022* apply in relation to an application for a visa made on or after the commencement of that Part.

11202 Transitional provision—application for Subclass 202 (Global Special Humanitarian) visa made on or after 1 July 2022

(1) This clause applies to an application for a Subclass 202 (Global Special Humanitarian) visa that is made during the period that:
  (a) starts on 1 July 2022; and
  (b) ends immediately before the commencement of Part 1 of Schedule 1 to the *Migration Amendment (Subclass 202 Visas) Regulations 2022*.

(2) Paragraph 1402(2)(b) of Schedule 1, as in force immediately before the commencement of Part 1 of Schedule 1 to the *Migration Amendment (Subclass 202 Visas) Regulations 2022*, applies in relation to the application as if:
  (a) the reference to $16 444 were instead a reference to $4 755; and
  (b) the reference to $2 680 were instead a reference to Nil.

11203 Operation of Part 2 of Schedule 1 (Subclass 202 (Global Special Humanitarian) visas)

The amendments made by Part 2 of Schedule 1 to the *Migration Amendment (Subclass 202 Visas) Regulations 2022* apply in relation to a decision to grant or not to grant a Subclass 202 (Global Special Humanitarian) visa made on or after the commencement of that Part, whether the application for the visa was made before, on or after that commencement.

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Part 113—Amendments made by the Migration Amendment (Subclass 100 and 309 Visas) Regulations 2022

11301 Operation of Schedule 1 (Subclasses 100 (Partner) and 309 (Partner (Provisional)) visas)

The amendments made by Part 1 of Schedule 1 to the Migration Amendment (Subclass 100 and 309 Visas) Regulations 2022 apply in relation to a decision to grant or not to grant a Subclass 100 (Partner) visa or a Subclass 309 (Partner (Provisional)) visa made on or after the commencement of that Schedule, whether the application for the visa was made before, on or after that commencement.

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Clause 11401

Part 114—Amendments made by the Migration Amendment (Subclass 189 Visas—New Zealand Stream) Regulations 2022

11401 Operation of amendments

(1) The amendment made by item 2 of Part 1 of Schedule 1 to the *Migration Amendment (Subclass 189 Visas—New Zealand Stream) Regulations 2022* applies in relation to an application for a Subclass 189 (Skilled—Independent) visa made before 10 December 2022 if a decision has not been made to grant, or refuse to grant, the visa before that day.

(2) The amendment made by item 3 of Part 1 of Schedule 1 to the *Migration Amendment (Subclass 189 Visas—New Zealand Stream) Regulations 2022* applies in relation to an application for a Subclass 189 (Skilled—Independent) visa, whether made (or taken to be made) before, on or after 10 December 2022, if:

(a) the application is made by a person seeking to satisfy the secondary criteria for the grant of the visa as a member of the family unit of a person who applied for their visa (the ***primary visa***) before 10 December 2022; and

(b) a decision has not been made to grant, or refuse to grant, the primary visa before that day.

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Part 115—Amendments made by the Migration Amendment (Transitioning TPV/SHEV Holders to Resolution of Status Visas) Regulations 2023

11501 Operation of amendments

(1) The amendments made by items 5 to 8 and 13 to 17 of Part 1 of Schedule 1 to the *Migration Amendment (Transitioning TPV/SHEV Holders to Resolution of Status Visas) Regulations 2023* apply in relation to an application for a visa made, or taken to have been made, on or after the commencement of those items.

(2) The amendments made by items 9 and 11 of Part 1 of Schedule 1 to the *Migration Amendment (Transitioning TPV/SHEV Holders to Resolution of Status Visas) Regulations 2023* apply in relation to an application for a visa made, or taken to have been made, before, on or after the commencement of those items.

(3) The amendments made by items 10 and 12 of Part 1 of Schedule 1 to the *Migration Amendment (Transitioning TPV/SHEV Holders to Resolution of Status Visas) Regulations 2023* apply in relation to a visa granted before, on or after the commencement of those items.

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Part 116—Amendments made by the Migration Amendment (Subclass 309 Applicant Review Rights) Regulations 2023

11601 Operation of amendments

The amendments made by Part 1 of Schedule 1 to the *Migration Amendment (Subclass 309 Applicant Review Rights) Regulations 2023* apply in relation to a decision to refuse to grant a Subclass 309 (Partner (Provisional)) visa made on or after the commencement of that Part, whether the visa application was made before, on or after that commencement.

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Part 117—Amendments made by the Migration Amendment (Extension of Subclass 485 (Temporary Graduate) Visa and Increase in Subclass 500 (Student) Visa Work Hours) Regulations 2023

11701 Operation of amendments

(1) The amendments made by Part 1 of Schedule 1 to the *Migration Amendment (Extension of Subclass 485 (Temporary Graduate) Visa and Increase in Subclass 500 (Student) Visa Work Hours) Regulations 2023* apply in relation to an application for a visa made on or after the commencement of that Part.

(2) The amendments made by Part 2 of Schedule 1 to the *Migration Amendment (Extension of Subclass 485 (Temporary Graduate) Visa and Increase in Subclass 500 (Student) Visa Work Hours) Regulations 2023* apply in relation to work engaged in by a visa holder on or after the commencement of that Part, whether or not the visa was granted before, on or after that commencement.

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Part 118—Amendments made by the Migration Amendment (Visa Application Charges) Regulations 2023

11801 Operation of amendments

The amendments made by Part 1 of Schedule 1 to the *Migration Amendment (Visa Application Charges) Regulations 2023* apply in relation to visa applications made on or after 1 July 2023.

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Part 119—Amendments made by the Migration Amendment (Giving Documents) Regulations 2023

11901 Operation of amendments

The amendments made by Schedule 1 to the *Migration Amendment (Giving Documents) Regulations 2023* apply in relation to the giving of a document on or after the commencement of that Schedule.

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Part 120—Amendment made by the Migration Amendment (Biosecurity Contravention) Regulations 2023

12001 Operation of amendment

The amendment made by Schedule 1 to the *Migration Amendment (Biosecurity Contravention) Regulations 2023* applies in relation to the cancellation of a visa if:

(a) the visa was granted before, on or after the commencement of that Schedule; and

(b) the contravention occurs on or after that commencement.

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Part 121—Amendments made by the Migration Amendment (Resolution of Status Visa) Regulations 2023

12101 Definitions

In this Part:

amending regulations means the *Migration Amendment (Resolution of Status Visa) Regulations 2023*.

identity information criterion means subclause 851.228(2) of Schedule 2, as inserted by Schedule 2 to the amending regulations.

12102 Operation of amendments

(1) The amendments made by Schedule 2 to the amending regulations apply in relation to an application for a visa:
  (a) made, but not finally determined, before the commencement of that Schedule; or
  (b) made on or after that commencement.

(2) For an application made on the basis of meeting the requirements of item 4, 4A or 5 of the table in subitem 1127AA(3) of Schedule 1, the identity information criterion applies in relation to an invitation under section 56 of the Act whether given before, on or after the commencement of that criterion.

(3) For an application taken to be a valid application for a Resolution of Status (Class CD) visa under regulation 2.08G, the identity information criterion applies in relation to an invitation under section 56 of the Act whether given before, on or after the commencement of that criterion, provided that the invitation was given after regulation 2.08G started to apply in relation to the application.

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Part 122—Amendments made by the Migration Amendment (Subclass 500 Visas) Regulations 2024

12201 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Migration Amendment (Subclass 500 Visas) Regulations 2024* apply in relation to an application for a visa made on or after the commencement of that Schedule.

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Part 123—Amendments made by the Migration Amendment (Expanding Access to Temporary Residence Transition Stream) Regulations 2023

12301 Definitions

In this Part:

amending regulations means the *Migration Amendment (Expanding Access to Temporary Residence Transition Stream) Regulations 2023*.

12302 Operation of amendments

(1) The amendment of regulation 2.12F of these Regulations made by Schedule 1 to the amending regulations applies in relation to the withdrawal of a visa application on or after the commencement of that amendment, if the nomination application:
  (a) is made on or after 18 March 2018 and not finally determined before that commencement; or
  (b) is made on or after that commencement.

(2) The amendments of regulation 5.19 of these Regulations made by Schedule 1 to the amending regulations apply in relation to an application under that regulation:
  (a) made on or after 18 March 2018 and not finally determined before the commencement of those amendments; or
  (b) made on or after the commencement of those amendments.

(3) The amendments of clause 1240 of Schedule 1 to these Regulations made by Schedule 1 to the amending regulations apply in relation to visa applications made on or after the commencement of those amendments.

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Part 124—Amendments made by the Migration Amendment (Location Requirements for Grant of Visa) Regulations 2023

12401 Definitions

In this Part:

amending regulations means the Migration Amendment (*Location Requirements for Grant of Visa*) Regulations 2023.

12402 Operation of Schedule 1

(1) The amendments of these Regulations made by items 1 and 2 of Schedule 1 to the amending regulations apply in relation to a decision to refuse to grant a Subclass 300 (Prospective Marriage) visa or a Subclass 309 (Partner (Provisional)) visa made on or after the commencement of those items, whether the visa application was made before, on or after that commencement.

(2) The amendments of these Regulations made by items 3 to 8 of Schedule 1 to the amending regulations apply in relation to a visa granted on or after the commencement of those items, whether the visa application was made before, on or after that commencement.

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Part 125—Amendments made by the Migration Amendment (Subclass 200 and 201 Visas) Regulations 2023

12501 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Migration Amendment (Subclass 200 and 201 Visas) Regulations 2023* apply in relation visa applications:

(a) made, but not finally determined, before the commencement of that Schedule; or

(b) made on or after that commencement.

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Part 126—Amendments made by the Migration Amendment (Bridging Visa Conditions) Act 2023

12601 Operation of amendments

The amendments of these Regulations made by Part 1 of Schedule 2 to the *Migration Amendment (Bridging Visa Conditions) Act 2023* apply in relation to a visa granted on or after the commencement of those amendments.

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Part 127—Amendments made by the Migration Amendment (Bridging Visa Conditions) Regulations 2023

12701 Operation of amendments

(1) Regulations 2.25AA and 2.25AB, as amended by Part 1 of Schedule 1 to the *Migration Amendment (Bridging Visa Conditions) Regulations 2023*, apply in relation to the grant of a visa on or after the commencement of that Part.

(2) Regulation 2.25AE, as inserted by that Part, applies in relation to a visa granted before, on or after the commencement of that Part.

(3) Schedules 2 and 8, as amended by that Part, apply in relation to a visa granted on or after the commencement of that Part.

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Part 128—Amendments made by the Migration Amendment (Pacific Australia Labour Mobility Scheme) Regulations 2024

12801 Operation of amendments

(1) The amendments of Schedules 1 and 2 to these Regulations made by Part 1 of Schedule 1 to the *Migration Amendment (Pacific Australia Labour Mobility Scheme) Regulations 2024* (the ***amending Part***) apply in relation to an application for a visa made on or after the commencement of the amending Part.

(2) Clause 8611 of Schedule 8 to these Regulations, as amended by the amending Part, applies in relation to a visa granted on or after the commencement of the amending Part.

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Part 129—Amendments made by the Migration Amendment (Dependent Secondary Partner Visa Applicants) Regulations 2024

12901 Operation of amendments

The amendments made by Schedule 1 to the *Migration Amendment (Dependent Secondary Partner Visa Applicants) Regulations 2024* apply in relation to an application for a visa made, but not finally determined, before 9 February 2023.

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Part 130—Amendments made by the Migration Amendment (Bridging Visas) Regulations 2024

13001 Operation of amendments

Regulation 2.25AB, as amended by Schedule 1 to the *Migration Amendment (Bridging Visas) Regulations 2024*, applies in relation to the grant of a visa on or after the commencement of that Schedule.

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Part 131—Amendments made by the Migration Amendment (Cessation and Grant of Bridging Visas) Regulations 2024

13101 Operation of amendments

(1) The amendments of Schedule 2 to these Regulations made by Parts 1 and 2 of Schedule 1 to the *Migration Amendment (Cessation and Grant of Bridging Visas) Regulations 2024* apply in relation to a visa granted on or after the commencement of those Parts.

(2) The amendments of Schedule 1 to these Regulations made by Part 3 of Schedule 1 to the *Migration Amendment (Cessation and Grant of Bridging Visas) Regulations 2024* apply in relation to a visa application made on or after the commencement of that Part.

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Part 132—Amendments made by the Migration Amendment (Work Related Visa Conditions) Regulations 2024

13201 Operation of amendment

(1) The amendments of these Regulations made by Schedule 1 to the *Migration Amendment (Work Related Visa Conditions) Regulations 2024* apply in relation to a visa granted on or after the commencement of that Schedule.

(2) The amendments also apply, after the commencement of that Schedule, in relation to a visa granted before that commencement, for the part of the visa period for the visa that occurs after that commencement, but any period for which the holder of the visa ceased employment before that commencement is to be disregarded.

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Part 133—Amendments made by the Migration Amendment (Immigration Clearance Exemption for Transiting Aircraft Crew) Regulations 2024

13301 Operation of amendment

The amendment made by Schedule 1 to the *Migration Amendment (Immigration Clearance Exemption for Transiting Aircraft Crew) Regulations 2024* applies in relation to a person who departs Australia on or after the commencement of that Schedule (regardless of when the person enters Australia).

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Part 134—Amendments made by the Migration Amendment (Graduate Visas) Regulations 2024

13401 Operation of amendments

(1) The amendments of Schedule 2 to these Regulations made by Schedule 1 to the *Migration Amendment (Graduate Visas) Regulations 2024* (the ***amending Schedule***) apply in relation to an application for a visa made on or after the commencement of the amending Schedule.

(2) The amendments of Schedule 8 to these Regulations made by the amending Schedule apply in relation to a visa granted on or after that commencement if the application for the visa was made on or after that commencement.

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Part 135—Amendments made by the Migration Amendment (Strengthening Reporting Protections) Regulations 2024

13501 Operation of amendments

The amendments made by Schedule 1 to the *Migration Amendment (Strengthening Reporting Protections) Regulations 2024* apply in relation to a breach of a condition to which a visa is subject that occurs before, on or after the commencement of that Schedule.

Authorised Version F2025C00115 registered 03/02/2025

Clause 13601

Part 136—Amendments made by the Migration Amendment (Visa Application Charges) Regulations 2024

13601 Operation of amendments

The amendments made by Part 1 of Schedule 1 to the *Migration Amendment (Visa Application Charges) Regulations 2024* apply in relation to visa applications made on or after 1 July 2024.

Authorised Version F2025C00115 registered 03/02/2025

Part 137—Amendments made by the Migration Amendment (Family Violence Provisions for Partner Visa Applicants) Regulations 2024

13701 Operation of amendments

(1) The amendments of regulations 1.23 and 1.25 of, and of Schedule 2 to, these Regulations made by Schedule 1 to the *Migration Amendment (Family Violence Provisions for Partner Visa Applicants) Regulations 2024* (the ***amending Schedule***) apply in relation to an application for a visa:

(a) made, but not finally determined, before the commencement of the amending Schedule; or

(b) made on or after that commencement.

(2) The amendment of regulation 4.02 of these Regulations made by the amending Schedule applies in relation to a decision made before, on or after the commencement of that Schedule.

Authorised Version F2025C00115 registered 03/02/2025

Part 138—Amendments made by the Migration Amendment (Subclass 462 (Work and Holiday) Visa) Regulations 2024

13801 Operation of amendments

The amendments made by Schedule 1 to the *Migration Amendment (Subclass 462 (Work and Holiday) Visa) Regulations 2024* apply in relation to an application for a visa made on or after the commencement of that Schedule.

Authorised Version F2025C00115 registered 03/02/2025

Part 139—Amendments made by the Migration Amendment (Administrative Review Tribunal Consequential Amendments) Regulations 2024

13901 Definition

In this Part:

amending Part means Part 1 of Schedule 1 to the *Migration Amendment (Administrative Review Tribunal Consequential Amendments) Regulations 2024*.

13902 Application provision—invitation to give additional information or comments

The amendments made to paragraphs 2.15(1)(a), (3)(a) and (4)(a) by the amending Part apply in relation to an invitation given under section 56 or 57 of the Act on or after the commencement of the amending Part.

13903 Transitional provision—invitation to give additional information or comments

(1) This clause applies if:
  (a) an invitation was given under section 56 or 57 of the Act before the commencement of the amending Part; and
  (b) the prescribed period for the invitation was the period prescribed by sub-subparagraph 2.15(1)(b)(ii)(B) or subparagraph 2.15(3)(b)(ii) of these Regulations (as the case may be); and
  (c) immediately before that commencement, that period has not ended.

(2) The prescribed period for the invitation is taken, on and after the commencement of the amending Part, to be the period prescribed by sub-subparagraph 2.15(1)(b)(ii)(C) or subparagraph 2.15(3)(b)(iii) of these Regulations (as the case may be).

13904 Application and saving provisions—review application fee

(1) Subregulation 4.31B(2), as inserted by the amending Part, applies in relation to an application for review made on or after the commencement of the amending Part.

(2) Despite the repeal of subregulation 4.31B(2) as in force immediately before the commencement of the amending Part, that subregulation continues to apply, on and after that commencement, in relation to an application for review made before that commencement, as if the repeal had not happened.

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Part 140—Amendments made by the Migration Amendment (Public Interest Criteria 4005 and 4007) Regulations 2024

14001 Operation of amendments

The amendments of these Regulations made by Schedule 1 to the *Migration Amendment (Public Interest Criteria 4005 and 4007) Regulations 2024* apply in relation to an application for a visa:

(a) made, but not finally determined, before the commencement of that Schedule; or

(b) made on or after that commencement.

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Part 141—Amendments made by the Migration Amendment (Family Violence Provisions for Skilled Visa Applications) Regulations 2024

14101 Operation of amendments

The amendments of these Regulations made by Schedule 1 to the *Migration Amendment (Family Violence Provisions for Skilled Visa Applications) Regulations 2024* apply in relation to an application for a visa:

(a) made, but not finally determined, before the commencement of that Schedule; or

(b) made on or after that commencement.

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Part 142—Amendments made by the Migration Amendment (National Innovation Visa) Regulations 2024

14201 Operation of amendments

(1) The amendments of these Regulations made by Schedule 1 to the *Migration Amendment (National Innovation Visa) Regulations 2024* apply in relation to an application for a visa made on or after 6 December 2024.

(2) To avoid doubt, the reference in paragraph 773.213(2)(zy) of Schedule 2 to these Regulations to a National Innovation (Class BX) visa is taken to include a reference to:

(a) a Distinguished Talent (Class BX) visa issued on the basis of an application made before 27 February 2021; and

(b) a Global Talent (Class BX) visa issued on the basis of an application made before 6 December 2024.

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Part 143—Amendments made by the Migration Amendment (Bridging Visa Conditions) Regulations 2024

14301 Operation of amendments

The amendments of these Regulations made by Schedule 1 to the *Migration Amendment (Bridging Visa Conditions) Regulations 2024* apply in relation to a visa granted on or after the commencement of that Schedule.

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Part 144—Amendments made by the Migration Amendment (Temporary Graduate Visa Application Charge) Regulations 2024

14401 Operation of amendments

The amendments made by Schedule 1 to the *Migration Amendment (Temporary Graduate Visa Application Charge) Regulations 2024* apply in relation to an application for a visa made on or after 1 February 2025.

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Part 145—Amendments made by the Migration Amendment (2024 Measures No. 1) Regulations 2024

14501 Definitions

In this Part:

amending regulations means the *Migration Amendment (2024 Measures No. 1) Regulations 2024*.

14502 Operation of Part 1 of Schedule 1

(1) Division 2.17 of Part 2A, as amended by Part 1 of Schedule 1 to the amending regulations, applies in relation to the nomination of a proposed occupation that is made on or after 7 December 2024.

(2) If:

(a) a nomination of a proposed occupation was made in relation to a proposed applicant for a Subclass 482 (Temporary Skill Shortage) visa before 7 December 2024; and

(b) no Subclass 482 (Temporary Skill Shortage) visa application was made in relation to the nomination before 7 December 2024;

then the nominated occupation:

(c) is taken, from when it is, or was, approved, to have been approved in relation to an applicant or proposed applicant for a Subclass 482 (Skills in Demand) visa; and

(d) is taken to have been nominated for that visa in:

(i) if the occupation is an occupation in Major Group 1, 2, 4, 5 or 6 in ANZSCO and the annual earnings (excluding non-monetary benefits) for an applicant in relation to the occupation is equal to or more than the specialist skills income threshold—the Specialist Skills stream; or

(ii) otherwise—the Core Skills stream; and

(e) continues in effect until the approval of the nomination ceases under regulation 2.75, as amended by Part 1 of Schedule 1 to the amending regulations.

(3) Schedules 1 and 2 to these Regulations, as amended by Part 1 of Schedule 1 to the amending regulations, apply in relation to an application for a visa made on or after 7 December 2024.

(4) Despite the amendments of clause 8607 of Schedule 8 to these Regulations made by Part 1 of Schedule 1 to the amending regulations, that clause, as in force immediately before 7 December 2024, continues to apply in relation to the following as if the amendments had not been made:

(a) a visa granted before 7 December 2024;

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(b) a visa granted on or after 7 December 2024, if the visa is granted as a result of an application for the visa made before 7 December 2024.

14503 Operation of Part 2 of Schedule 1

(1) Regulation 5.19, as amended by Part 2 of Schedule 1 to the amending regulations, applies in relation to an application for the approval of the nomination of a position made on or after 7 December 2024.

(2) Clauses 186.226 and 186.227 of Schedule 2 to these Regulations, as inserted by Part 2 of Schedule 1 to the amending regulations, apply in relation to an application for a visa:
(a) made on or after 7 December 2024; and
(b) made in relation to a position nominated in an application made under regulation 5.19 on or after 7 December 2024.

(3) The amendment of these Regulations made by item 123 of Part 2 of Schedule 1 to the amending regulations, applies in relation to an application for a visa:
(a) made, but not finally determined, before 7 December 2024; or
(b) made on or after 7 December 2024.

14504 Operation of Part 3 of Schedule 1

Subregulation 2.86(3), as amended by Part 3 of Schedule 1 to the amending regulations, applies to a person who is an approved work sponsor in relation to a primary sponsored person whether the sponsor's approval in relation to the primary sponsored person was given before, on or after 7 December 2024.

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Part 146—Amendments made by the Migration Amendment (Skills Assessing Authorities) Regulations 2024

14601 Operation of amendments

(1) Despite the repeal of subregulation 2.26B(1B) by Part 1 of Schedule 1 to the *Migration Amendment (Skills Assessing Authorities) Regulations 2024* (the ***amending Part***), an approval given under that subregulation that is in force immediately before the commencement of the amending Part continues to be in force, after that commencement, as if the repeal had not happened.

(2) Subregulation 2.26B(1BC), as inserted by the amending Part, applies in relation to an approval given under subregulation 2.26B(1B) before, on or after the commencement of the amending Part.

(3) Subregulation 2.26B(1BG), as inserted by the amending Part, applies in relation to the following:

(a) an approval given under subregulation 2.26B(1B) on or after the commencement of the amending Part;

(b) an approval given under subregulation 2.26B(1B) before that commencement if the ground for the revocation of the approval relates to:

(i) if the ground for the revocation is the ground mentioned in paragraph 2.26B(1BG)(a) or (c)—a thing done, or not done, on or after that commencement; and

(ii) otherwise—a thing done, or not done, after the time mentioned in subregulation 2.26B(1BD).

(4) The amendments of these Regulations made by items 18, 20, 23, 31 and 32 of the amending Part apply in relation to an application for a visa made on or after the commencement of that Part.

(5) The amendments of these Regulations made by items 25 and 26 of the amending Part apply in relation to an application made in response to an invitation given by the Minister on or after the commencement of that Part.

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Part 147—Amendments made by the Migration Amendment (Family Violence Provisions and Other Measures) Regulations 2024 and application of family violence provisions to repealed Subclass 132

14701 Operation of amendments

The amendments of these Regulations made by Parts 1 and 2 of Schedule 1 to the *Migration Amendment (Family Violence Provisions and Other Measures) Regulations 2024* apply in relation to an application for a visa:

(a) made, but not finally determined, before 17 December 2024; or

(b) made on or after 17 December 2024.

14702 Application of family violence provisions to repealed Subclass 132 (Business Talent) visa

(1) This clause applies in relation to an application for a Subclass 132 (Business Talent) visa made but not finally determined before 17 December 2024.

Note: The Subclass 132 (Business Talent) visa was repealed on 1 July 2021 by Schedule 1 to the *Home Affairs Legislation Amendment (2021 Measures No. 1) Regulations 2021*.

(2) For the purposes of determining the second instalment of the visa application charge that applies in relation to the application on or after 17 December 2024, apply paragraph 1104AA(2)(b) of Schedule 1 (as in force immediately before 1 July 2021) as if the table in that paragraph had been replaced with the following table:

Second instalment		
Item	**Applicant**	**Amount**
1	Applicant who: (a) was at least 18 at the time of application; and (b) is assessed as not having functional English; and (c) satisfies the primary criteria for the grant of a Subclass 132 (Business Talent) visa	$9 795
2	Applicant who: (a) was at least 18 at the time of application; and (b) is assessed as not having functional English; and (c) satisfies the secondary criteria for the grant of a Subclass 132 (Business Talent) visa; and (d) is an applicant to whom item 3 does not apply	$4 890
3	Applicant who meets the requirements of subclause 132.311(3), (4) or (5) of Schedule 2	Nil
4	Any other applicant	Nil

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(3) For the purposes of determining the application on or after 17 December 2024, apply clauses 132.211, 132.213 and 132.214 of Schedule 2 as if those clauses (as in force immediately before 1 July 2021) had been replaced with the following:

"132.211

(1) The following persons must not have a history of involvement in business or investment activities that are of a nature that is not generally acceptable in Australia:
  (a) the applicant (the ***primary applicant***);
  (b) the primary applicant's spouse or de facto partner;
  (c) the person covered by subclause (2).

(2) This subclause covers a person if:
  (a) at the time of application, the person was the spouse or de facto partner of the primary applicant; and
  (b) the relationship between the primary applicant and the person has ceased; and
  (c) one or more of the following has experienced family violence committed by the primary applicant:
    (i) the person;
    (ii) a member of the family unit of the person who has made a combined application with the person or with the primary applicant;
    (iii) a dependent child of the person or of the primary applicant."

"132.213

(1) The applicant (the ***primary applicant***) satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4010, 4020 and 4021.

(2) If the primary applicant has turned 18 at the time of application, the primary applicant satisfies public interest criterion 4019.

(3) Each person who is covered by subclause (4), (5) or (6) satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4010 and 4020.

(4) This subclause covers a person who is a member of the family unit of the primary applicant who is also an applicant for a Subclass 132 visa.

(5) This subclause covers a person (the ***relevant person***) if:
  (a) the relevant person was, at the time of the primary applicant's application, a member of the family unit of the primary applicant; and
  (b) the relevant person is an applicant for a Subclass 132 visa; and
  (c) the Minister is satisfied that:
    (i) the relevant person; or

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Clause 14702

(ii) a member of the family unit of the relevant person who has made a combined application with the relevant person or with the primary applicant; or

(iii) a dependent child of the relevant person or of the primary applicant;

has experienced family violence committed by the primary applicant.

Note: For special provisions relating to family violence, see Division 1.5.

(6) This subclause covers a person if:

(a) the person was, at the time of the primary applicant's application, a member of the family unit of the primary applicant but is no longer a member of the family unit of the primary applicant; and

(b) the person is an applicant for a Subclass 132 visa; and

(c) the person is a member of the family unit of a person covered by subclause (5).

(7) Each person:

(a) who either:

(i) is a member of the family unit of the primary applicant and also an applicant for a Subclass 132 visa; or

(ii) is covered by subclause (5) or (6); and

(b) who had turned 18 at the time of the primary applicant's application;

satisfies public interest criterion 4019.

(8) If a person:

(a) either:

(i) is a member of the family unit of the primary applicant and also an applicant for a Subclass 132 visa; or

(ii) is covered by subclause (5) or (6); and

(b) has not turned 18;

public interest criteria 4015 and 4016 are satisfied in relation to the person.

(9) Each person:

(a) who is a member of the family unit of the primary applicant; and

(b) who is not an applicant for a Subclass 132 visa;

satisfies public interest criteria 4001, 4002, 4003 and 4004, and satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.

(10) Each person:

(a) who was, at the time of the primary applicant's application, a member of the family unit of the primary applicant but is no longer a member of the family unit of the primary applicant; and

(b) who is a member of the family unit of a person who is covered by subclause (5); and

(c) who is not an applicant for a Subclass 132 visa;

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satisfies public interest criteria 4001, 4002, 4003 and 4004, and satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion."

"132.214

(1) The applicant satisfies special return criteria 5001, 5002 and 5010.

(2) Each person covered by subclause 132.213(4), (5) or (6) satisfies special return criteria 5001, 5002 and 5010."

(4) For the purposes of determining the application on or after 17 December 2024, apply Division 132.3 of Schedule 2 as if that Division (as in force immediately before 1 July 2021) had been replaced with the following:

Division 132.3—Secondary criteria

Note: These criteria are for applicants seeking to satisfy the secondary criteria. All criteria must be satisfies at the time a decision is made on the application.

132.311

(1) The applicant meets the requirements of subclause (2), (3), (4), (5) or (6).

(2) The applicant:
  (a) is a member of the family unit of a person who holds a Subclass 132 visa granted on the basis of satisfying the primary criteria for the grant of the visa; and
  (b) made a combined application with that person.

(3) The applicant meets the requirements of this subclause if:
  (a) at the time of the application, the applicant was the spouse or de facto partner of a person (the ***primary applicant***) seeking to satisfy the primary criteria for the grant of a Subclass 132 visa, and the primary applicant has since been granted that visa; and
  (b) the relationship between the primary applicant and the applicant has ceased; and
  (c) one or more of the following has experienced family violence committed by the primary applicant:
    (i) the applicant;
    (ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
    (iii) a dependent child of the applicant or of the primary applicant; and
  (d) the applicant:
    (i) was in Australia at the time the applicant's visa application was made; or
    (ii) entered Australia after the applicant's visa application was made.

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Clause 14702

(4) The applicant meets the requirements of this subclause if:

(a) at the time of the application, the applicant was the spouse or de facto partner of a person (the ***primary applicant***) seeking to satisfy the primary criteria for the grant of a Subclass 132 visa; and

(b) the relationship between the primary applicant and the applicant has ceased; and

(c) one or more of the following has experienced family violence committed by the primary applicant:

(i) the applicant;

(ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;

(iii) a dependent child of the applicant or of the primary applicant; and

(d) the applicant:

(i) was in Australia at the time the applicant's visa application was made; or

(ii) entered Australia after the applicant's visa application was made; and

(e) the Minister has decided to refuse to grant the primary applicant the visa for reasons including that the primary applicant had engaged in conduct involving family violence (whether or not the family violence was against a person mentioned in paragraph (c)).

(5) The applicant meets the requirements of this subclause if:

(a) at the time of the application, the applicant was the spouse or de facto partner of a person (the ***primary applicant***) seeking to satisfy the primary criteria for the grant of a Subclass 132 visa; and

(b) the relationship between the primary applicant and the applicant has ceased; and

(c) one or more of the following has experienced family violence committed by the primary applicant:

(i) the applicant;

(ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;

(iii) a dependent child of the applicant or of the primary applicant; and

(d) the applicant:

(i) was in Australia at the time the applicant's visa application was made; or

(ii) entered Australia after the applicant's visa application was made; and

(e) the Minister has decided to refuse to grant the primary applicant the visa for reasons that the primary applicant does not meet the requirements of clause 132.224 or 132.226; and

(f) the primary applicant would have met the requirements of the clause had the relationship between the primary applicant and the applicant not ceased.

(6) The applicant meets the requirements of this subclause if:

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(a) the applicant is a member of the family unit of a person (the ***secondary applicant***) who meets the requirements of subclause (3), (4) or (5); and

(b) the applicant has made a combined application with the secondary applicant or the primary applicant mentioned in subclause (3), (4) or (5) (whichever applies to the secondary applicant); and

(c) a Subclass 132 visa has since been granted to the secondary applicant.

Note: For special provisions relating to family violence, see Division 1.5.

132.312

(1) The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4010, 4020 and 4021.

(2) If the applicant had turned 18 at the time of application, the applicant satisfies public interest criterion 4019.

(3) If the applicant has not turned 18, the applicant satisfies public interest criteria 4017 and 4018.

132.313

The applicant satisfies special return criteria 5001, 5002 and 5010.

132.314

(1) This clause applies if the applicant (the ***secondary applicant***) meets the requirements of subclause 132.311(3), (4) or (5).

(2) Each member of the family unit of the secondary applicant who is an applicant for a Subclass 132 visa satisfies:

(a) public interest criteria 4001, 4002, 4003, 4004, 4005, 4010 and 4020; and

(b) special return criteria 5001, 5002 and 5010.

(3) Each member of the family unit of the secondary applicant who is an applicant for a Subclass 132 visa and who has turned 18 at the time of application satisfies public interest criterion 4019.

(4) Public interest criteria 4015 and 4016 are satisfied in relation to each member of the family unit of the secondary applicant who is an applicant for a Subclass 132 visa and who has not turned 18 at the time of decision.

(5) Each member of the family unit of the secondary applicant who is not an applicant for a Subclass 132 visa:

(a) satisfies public interest criteria 4001, 4002, 4003 and 4004; and

(b) satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the member to undergo assessment in relation to that criterion.

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Part 148—Amendments made by the Migration Amendment (Graduate Visas No. 2) Regulations 2024

14801 Operation of amendments

The amendments of these Regulations made by Schedule 1 to the *Migration Amendment (Graduate Visas No. 2) Regulations 2024* apply in relation to an application for a visa made on or after the commencement of that Schedule.

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Part 149—Amendments made by the Migration Amendment (Labour Agreement Requirements (Subclass 186, 482 and 494 Visas)) Regulations 2024

14901 Definitions

In this Part:

amending regulations means the *Migration Amendment (Labour Agreement Requirements (Subclass 186, 482 and 494 Visas)) Regulations 2024*.

commencement day means the day Schedule 1 to the amending regulations commences.

14902 Operation of amendments

(1) The amendments of these Regulations made by Schedule 1 to the amending regulations apply in relation to a visa:
  (a) made, but not finally determined, before the commencement day; or
  (b) made on or after the commencement day.

(2) If:
  (a) a labour agreement was entered into before the commencement day; and
  (b) immediately before the commencement day the labour agreement was still in effect;

then, despite the amendment of these Regulations made by Schedule 1 to the amending regulations, the labour agreement continues to have effect on and after the commencement day as if it were a labour agreement made for the purposes of regulation 2.75C, as inserted by Schedule 1 to the amending regulations.

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