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Statutory Rules 1997 No. 1

216/

## Migration Regulations<sup>2</sup> (Amendment)

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

Dated 1997.

20 August/

WILLIAM DEANE/  
Governor-General

By His Excellency's Command,

PHILIP RUDDOCK/  
Minister for Immigration and Multicultural Affairs

### 1. Commencement

1.1 These Regulations (except regulations 6 and 7) commence on  
1 September 1997.

1.2 Regulations 6 and 7 commence on 1 November 1997.

### 2. Amendment

2.1 The Migration Regulations are amended as set out in these  
Regulations.

**3. Regulation 2.07AB (Applications for Electronic Travel Authority visas)**

3.1 Omit “visa is taken to have been validly made when”, insert “visa that is made outside Australia is taken to have been validly made if”.

3.2 Paragraph 2.07AB (g):

Omit “when requesting a ticket for travel to Australia”.

3.3 Add at the end:

“(2) For the purposes of sections 45 and 46 of the Act, an application for an Electronic Travel Authority (Class UD) visa that is made by the applicant, in person, while in immigration clearance, is taken to have been validly made if:

- (a) the applicant presents to an officer a valid passport that indicates that the applicant is a national of a country specified by Gazette Notice for the purposes of paragraph 1208A (3) (c) or (d); and
- (b) the passport is not endorsed with an authority to reside indefinitely on Norfolk Island; and
- (c) after reasonable enquiries, the officer does not find that the applicant is the holder of a visa that is in effect; and
- (d) the applicant asks an officer for an Electronic Travel Authority (Class UD) visa.”.

**4. Regulation 2.10 (Where application must be made)**

4.1 Paragraph 2.10 (1) (b):

Omit the paragraph, substitute:

“(b) in the case of an application to be made in Australia:

- (i) subject to regulation 2.09, subregulation (3) and subparagraph (ii), at any office of Immigration in Australia; or
- (ii) if the application is for an Electronic Travel Authority (Class UD) visa—in immigration clearance.”.

**5. Schedule 1 (Classes of visas)****5.1 Paragraphs 1208A (3) (a) and (b):**

Omit the paragraphs, substitute:

- “(a) Application may be made in immigration clearance or outside Australia.
- (b) If the application is made in immigration clearance, applicant must be in immigration clearance.
- (ba) If the application is made outside Australia, applicant must be outside Australia.”.

**6. Schedule 2, Part 010 (Bridging Visa A)****6.1 Paragraph 010.611 (2) (c):**

Omit the paragraph, substitute:

- “(c) is not either:
  - (i) a person in a class of persons specified by Gazette Notice for this subparagraph; or
  - (ii) a person in relation to whose protection visa application:
    - (A) no primary decision to grant, or to refuse to grant, a Protection (Class AZ) visa has been made; and
    - (B) 6 months, commencing on the date of the making of that protection visa application, have elapsed:”.

**7. Schedule 2, Part 020 (Bridging Visa B)****7.1 Paragraph 020.611 (2) (c):**

Omit the paragraph, substitute:

- “(c) is not either:
  - (i) a person in a class of persons specified by Gazette Notice for this subparagraph; or
  - (ii) a person in relation to whose protection visa application:
    - (A) no primary decision to grant, or to refuse to grant, a Protection (Class AZ) visa has been made; and
    - (B) 6 months, commencing on the date of the making of that protection visa application, have elapsed:”.

**8. Schedule 2, Part 956 (Electronic Travel Authority (Business Entrant—Long Validity))****8.1 Clause 956.411:**

Omit the clause, substitute:

“956.411 If the application is made in immigration clearance, the applicant must be in immigration clearance at time of grant.

“956.412 If the application is made outside Australia, the applicant must be outside Australia at time of grant.”.

**9. Schedule 2, Part 976 (Electronic Travel Authority (Visitor))****9.1 Clause 976.411:**

Omit the clause, substitute:

“976.411 If the application is made in immigration clearance, the applicant must be in immigration clearance at time of grant.

“976.412 If the application is made outside Australia, the applicant must be outside Australia at time of grant.”.

**10. Schedule 2, Part 977 (Electronic Travel Authority (Business Entrant—Short Validity))****10.1 Clause 977.411:**

Omit the clause, substitute:

“977.411 If the application is made in immigration clearance, the applicant must be in immigration clearance at time of grant.

“977.412 If the application is made outside Australia, the applicant must be outside Australia at time of grant.”.

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**NOTES**

1. Notified in the *Commonwealth of Australia Gazette* on *K* 1997. 27 August/
2. Statutory Rules 1994 No. 268 as amended by 1994 Nos. 280, 322, 376 and 452; 1995 Nos. 3, 38, 117, 134, 268, 302 and 411; 1996 Nos. 12, 75, 76, 108, 121, 135, 198, 211 and 276; 1997 Nos. 17, 64, 91, 92, 109, 137, 184 and 185.