



Migration Amendment Regulations 2005 (No. 4)¹

Select Legislative Instrument 2005 No. 134

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Migration Act 1958* and the *Immigration (Education) Act 1971*.

Dated 15 June 2005

P. M. JEFFERY
Governor-General

By His Excellency's Command

AMANDA VANSTONE
Minister for Immigration and Multicultural and Indigenous
Affairs

1 Name of Regulations

These Regulations are the *Migration Amendment Regulations 2005 (No. 4)*.

2 Commencement

These Regulations commence on 1 July 2005.

3 Amendment of *Immigration (Education) Regulations 1992*

Schedule 1 amends the *Immigration (Education) Regulations 1992*.

4 Amendment of *Migration Regulations 1994*

- (1) Schedules 3, 5 and 6 amend the *Migration Regulations 1994*.
- (2) Schedules 2 and 4 and Schedules 7 to 13 amend the *Migration Regulations 1994*, as amended by the *Migration Amendment Regulations 2005 (No. 3)*.

5 Transitional

- (1) The amendments made by Schedule 1 apply in relation to an enrolment in a prescribed English course on or after 1 July 2005.
- (2) The amendments made by Schedule 2 apply in relation to an application for a visa made on or after 1 July 2005.
- (3) The amendments made by Schedule 3 apply in relation to an application for a visa:
 - (a) made on or after 1 July 2005; or
 - (b) made, but not finally determined (within the meaning of subsection 5 (9) of the *Migration Act 1958*), before 1 July 2005.

- (4) The amendments made by Schedule 4 apply in relation to an application for a visa made on or after 1 July 2005.
- (5) The amendments made by Schedule 5 apply in relation to:
 - (a) a request for a personal identifier made in accordance with the *Migration Act 1958* on or after 1 July 2005; and
 - (b) the disclosure of identifying information in accordance with the *Migration Act 1958* on or after 1 July 2005.

Note Transitional arrangements are not necessary in relation to Schedule 6.

- (6) The amendments made by Schedules 7 to 13 apply in relation to:
 - (a) an application for a visa made on or after 1 July 2005; and
 - (b) a non-citizen in immigration clearance on or after 1 July 2005; and
 - (c) re-evidencing of a visa on or after 1 July 2005.

**Schedule 1 Amendments relating to fees
under the *Immigration
(Education) Regulations 1992***
(regulation 3)

[1] Paragraph 4 (1) (a)

omit

\$300

insert

\$305

[2] Paragraph 4 (1) (b)

omit

\$65

insert

\$70

Schedule 2 Amendments relating to fees under the *Migration Regulations 1994*

(subregulation 4 (2))

[1] Amendments

<i>Provision</i>	<i>omit</i>	<i>insert</i>
<i>Regulations</i>		
subregulation 1.20C (3)	\$255	\$265
paragraph 1.20G (5) (a)	\$50	\$55
paragraph 1.20G (5) (b)	\$245	\$260
paragraph 1.20G (5) (c)	\$245	\$260
paragraph 1.20G (5) (d)	\$50	\$55
subregulation 1.20GA (4)	\$245	\$260
subregulation 1.20GA (5)	\$50	\$55
subregulation 1.20N (3)	\$1 000	\$1 050
subregulation 5.37 (1)	\$335	\$340
paragraph 5.38 (2) (a)	\$245	\$250
paragraph 5.38 (2) (b)	\$2 450	\$2 500
<i>Schedule 1</i>		
paragraph 1104AA (2) (a)	\$3 585	\$3 760
sub-subparagraph 1104AA (2) (b) (i) (C)	\$5 270	\$5 395
sub-subparagraph 1104AA (2) (b) (ii) (C)	\$2 555	\$2 690
paragraph 1104A (2) (a)	\$3 585	\$3 760
sub-subparagraph 1104A (2) (b) (i) (C)	\$5 270	\$5 395
sub-subparagraph 1104A (2) (b) (ii) (C)	\$2 555	\$2 690
subparagraph 1104B (2) (a) (i)	\$170	\$180

<i>Provision</i>	<i>omit</i>	<i>insert</i>
subparagraph 1104B (2) (a) (ii)	\$1 030	\$1 080
sub-subparagraph 1104B (2) (b) (i) (E)	\$2 555	\$2 690
subparagraph 1108 (2) (a) (ii)	\$760	\$800
subparagraph 1108 (2) (a) (iii)	\$1 245	\$1 305
subparagraph 1108A (2) (a) (ii)	\$760	\$800
subparagraph 1108A (2) (a) (iv)	\$1 845	\$1 935
subparagraph 1111 (2) (a) (i)	\$145	\$150
paragraph 1112 (2) (a)	\$1 245	\$1 305
subparagraph 1112 (2) (b) (i)	\$2 630	\$2 690
paragraph 1113 (2) (a)	\$1 845	\$1 935
subparagraph 1113 (2) (b) (i)	\$2 630	\$2 690
subparagraph 1114 (2) (a) (ii)	\$1 245	\$1 305
sub-subparagraph 1114 (2) (b) (i) (C)	\$5 270	\$5 395
sub-subparagraph 1114 (2) (b) (ii) (C)	\$2 630	\$2 690
subparagraph 1114 (2) (b) (iv)	\$1 245	\$1 270
subparagraph 1114A (2) (a) (ii)	\$170	\$180
subparagraph 1114A (2) (a) (iii)	\$1 845	\$1 935
sub-subparagraph 1114A (2) (b) (i) (C)	\$5 270	\$5 395
sub-subparagraph 1114A (2) (b) (ii) (C)	\$2 630	\$2 690
sub-subparagraph 1115 (2) (b) (i) (C)	\$2 630	\$2 690
paragraph 1118 (2) (a)	\$1 245	\$1 305
subparagraph 1118 (2) (b) (i)	\$2 630	\$2 690
subparagraph 1121 (2) (a) (ii)	\$1 245	\$1 305
sub-subparagraph 1121 (2) (b) (i) (C)	\$5 270	\$5 395
sub-subparagraph 1121 (2) (b) (ii) (C)	\$2 630	\$2 690
subparagraph 1121 (2) (b) (v)	\$1 245	\$1 270
paragraph 1121A (2) (a)	\$1 845	\$1 935
sub-subparagraph 1121A (2) (b) (i) (C)	\$5 270	\$5 395
sub-subparagraph 1121A (2) (b) (ii) (C)	\$2 630	\$2 690

<i>Provision</i>	<i>omit</i>	<i>insert</i>
subparagraph 1123A (2) (a) (i)	\$760	\$800
subparagraph 1123A (2) (a) (ii)	\$1 245	\$1 305
subparagraph 1123A (2) (b) (ii)	\$1 110	\$1 135
subparagraph 1123B (2) (a) (i)	\$760	\$800
subparagraph 1123B (2) (a) (ii)	\$1 845	\$1 935
subparagraph 1123B (2) (b) (ii)	\$1 110	\$1 135
paragraph 1124 (2) (a)	\$1 245	\$1 305
paragraph 1124 (2) (b)	\$1 110	\$1 135
paragraph 1124A (2) (a)	\$1 845	\$1 935
paragraph 1124A (2) (b)	\$1 110	\$1 135
subparagraph 1124B (2) (a) (ii)	\$215	\$225
sub-subparagraph 1124B (2) (a) (iii) (D)	\$760	\$800
sub-subparagraph 1124B (2) (a) (iv) (C)	\$760	\$800
sub-subparagraph 1124B (2) (a) (v) (C)	\$600	\$630
sub-subparagraph 1124B (2) (a) (vi) (D)	\$760	\$800
subparagraph 1124B (2) (a) (vii)	\$1 845	\$1 935
subparagraph 1128AA (2) (b) (i)	\$1 845	\$1 885
subparagraph 1128AA (2) (b) (ii)	\$2 630	\$2 690
subparagraph 1128B (2) (a) (ii)	\$1 845	\$1 935
subparagraph 1128B (2) (b) (i)	\$2 630	\$2 690
paragraph 1128BA (2) (a)	\$1 845	\$1 935
subparagraph 1128BA (2) (b) (i)	\$2 630	\$2 690
subparagraph 1128C (2) (a) (ii)	\$170	\$180
subparagraph 1128C (2) (a) (iii)	\$1 845	\$1 935
subparagraph 1128C (2) (b) (i)	\$2 630	\$2 690
paragraph 1128CA (2) (a)	\$1 845	\$1 935
subparagraph 1128CA (2) (b) (i)	\$2 630	\$2 690
paragraph 1128D (2) (a)	\$1 845	\$1 935
subparagraph 1128D (2) (b) (i)	\$2 630	\$2 690

<i>Provision</i>	<i>omit</i>	<i>insert</i>
subparagraph 1129 (2) (a) (ii)	\$1 245	\$1 305
subparagraph 1130 (2) (a) (i)	\$170	\$180
subparagraph 1130 (2) (a) (iii)	\$1 245	\$1 305
subparagraph 1130 (2) (b) (i)	\$10 590	\$11 140
sub-subparagraph 1130 (2) (b) (iii) (B)	\$1 145	\$1 205
subparagraph 1130 (2) (b) (iv)	\$26 475	\$27 850
subparagraph 1130A (2) (a) (ii)	\$170	\$180
subparagraph 1130A (2) (a) (iii)	\$1 845	\$1 935
subparagraph 1130A (2) (b) (i)	\$10 590	\$11 140
sub-subparagraph 1130A (2) (b) (iii) (B)	\$1 145	\$1 205
subparagraph 1130A (2) (b) (iv)	\$26 475	\$27 850
paragraph 1202A (2) (a)	\$2 450	\$2 575
sub-subparagraph 1202A (2) (b) (i) (C)	\$5 270	\$5 395
sub-subparagraph 1202A (2) (b) (ii) (C)	\$2 555	\$2 690
subparagraph 1205 (2) (a) (iv)	\$1 700	\$1 800
subparagraph 1205 (2) (a) (iva)	\$1 700	\$1 800
subparagraph 1205 (2) (a) (v)	\$170	\$180
paragraph 1207 (2) (a)	\$170	\$180
subparagraph 1208 (2) (a) (ii)	\$170	\$180
subparagraph 1208A (2) (a) (i)	\$65	\$70
paragraph 1210 (2) (a)	\$170	\$180
subparagraph 1211 (2) (a) (ii)	\$135	\$140
paragraph 1212 (2) (a)	\$170	\$180
paragraph 1212A (2) (a)	\$170	\$180
paragraph 1212B (2) (a)	\$170	\$180
paragraph 1214AA (2) (a)	\$170	\$180
subparagraph 1214A (2) (a) (ii)	\$170	\$175
paragraph 1214BA (2) (a)	\$170	\$180
paragraph 1215 (2) (a)	\$1 245	\$1 305

<i>Provision</i>	<i>omit</i>	<i>insert</i>
subparagraph 1216A (2) (a) (ii)	\$2 115	\$2 225
sub-subparagraph 1216A (2) (b) (i) (D)	\$4 805	\$4 915
sub-subparagraph 1216A (2) (b) (ii) (D)	\$2 410	\$2 465
sub-subparagraph 1216A (2) (b) (iii) (C)	\$2 410	\$2 465
subparagraph 1217 (2) (a) (ii)	\$170	\$180
paragraph 1217A (2) (a)	\$65	\$70
sub-subparagraph 1218 (2) (a) (ii) (A)	\$65	\$70
subparagraph 1218A (2) (a) (i)	\$170	\$180
subparagraph 1218A (2) (a) (ii)	\$170	\$180
subparagraph 1218A (2) (a) (iii)	\$1 845	\$1 935
sub-subparagraph 1218A (2) (b) (i) (D)	\$2 630	\$2 690
sub-subparagraph 1218A (2) (b) (ii) (D)	\$2 630	\$2 690
paragraph 1220B (2) (a)	\$170	\$180
subparagraph 1221 (2) (a) (iii)	\$1 245	\$1 305
sub-subparagraph 1221 (2) (b) (i) (B)	\$1 145	\$1 205
subparagraph 1221 (2) (b) (iii)	\$15 885	\$16 710
subparagraph 1221A (2) (a) (iii)	\$1 845	\$1 935
sub-subparagraph 1221A (2) (b) (i) (B)	\$1 145	\$1 205
subparagraph 1221A (2) (b) (iii)	\$15 885	\$16 710
subparagraph 1222 (2) (a) (ii)	\$55	\$60
subparagraph 1222 (2) (a) (iv)	\$410	\$420
paragraph 1223 (2) (a)	\$170	\$180
subparagraph 1223A (2) (a) (i)	\$65	\$70
subparagraph 1223A (2) (a) (iii)	\$170	\$180
subparagraph 1223A (2) (a) (iv)	\$65	\$70
paragraph 1224A (2) (a)	\$165	\$170
subitem 1225 (2)	\$170	\$180
paragraph 1302 (2) (a)	\$65	\$70

Schedule 3 Amendments relating to domestic violence

(subregulation 4 (1))

[1] Paragraph 1.20J (1) (c)

substitute

- (c) not more than 1 other person has been granted a relevant permission as:
- (i) the spouse or prospective spouse of, or a person in an interdependent relationship with, the sponsor on the basis of a sponsorship or nomination; or
 - (ii) a person who ceased a relationship of a kind mentioned in subparagraph (i) with the sponsor after the person, or another person mentioned in the prescribed criteria for the visa, had suffered domestic violence committed by the sponsor; and

[2] Subregulation 1.21 (1), after definition of **competent person**

insert

independent expert means a person who:

- (a) is suitably qualified to make independent assessments of non-judicially determined claims of domestic violence; and
- (b) is employed by, or contracted to provide services to, an organisation that is specified, in a Gazette Notice for this definition, for the purpose of making independent assessments of non-judicially determined claims of domestic violence.

non-judicially determined claim of domestic violence has the meaning given by subregulation 1.23 (1A).

relevant domestic violence has the meaning given by paragraph 1.23 (2) (b).

[3] Paragraphs 1.23 (1) (f) and (g)

substitute

- (f) the Minister is satisfied, for paragraph (1B) (a), that the alleged victim has suffered relevant domestic violence; or
- (g) the Minister is required by subregulation (1C) to take as correct an opinion of an independent expert that the alleged victim has suffered relevant domestic violence.

[4] After subregulation 1.23 (1)

insert

- (1A) For these Regulations, an application for a visa is taken to include a ***non-judicially determined claim of domestic violence*** if:
 - (a) the applicant seeks to satisfy a prescribed criterion that the applicant, or another person mentioned in the criterion, has suffered domestic violence; and
 - (b) either of the following circumstances exists:
 - (i) the alleged victim and the alleged perpetrator have made a joint undertaking to a court in relation to proceedings in which an allegation is before the court that the alleged perpetrator has committed an act of violence against the alleged victim;
 - (ii) for an alleged victim who is a person referred to in subregulation (2) — the alleged victim or another person on the alleged victim's behalf has presented evidence in accordance with regulation 1.24 that:
 - (A) the alleged victim has suffered relevant domestic violence; and
 - (B) the alleged perpetrator has committed that relevant domestic violence.

- (1B) If an application for a visa includes a non-judicially determined claim of domestic violence, the Minister must consider whether the alleged victim has suffered relevant domestic violence (whichever of the circumstances mentioned in paragraph (1A) (b) exists) and:
- (a) if satisfied that the alleged victim has suffered relevant domestic violence — consider the application on that basis; or
 - (b) if not satisfied that the alleged victim has suffered relevant domestic violence — seek the opinion of an independent expert about whether the alleged victim has suffered relevant domestic violence.
- (1C) The Minister must take an independent expert's opinion on the matter mentioned in paragraph (1B) (b) to be correct for the purposes of deciding whether the alleged victim satisfies a prescribed criterion for a visa that requires the applicant for the visa, or another person mentioned in the criterion, to have suffered domestic violence.

[5] Subregulation 1.23 (2)

omit

paragraph (1) (g)

insert

subparagraph (1A) (b) (ii)

[6] Subregulation 1.24 (1)

omit

paragraph 1.23 (1) (g)

insert

subparagraph 1.23 (1A) (b) (ii)

[7] Subparagraph 1.24 (1) (a) (ii)

omit

Territory; or

insert

Territory (other than a statement by the alleged victim); or

[8] Regulation 1.27

substitute

1.27 Statutory declaration or statement not admissible in evidence

A statutory declaration made under regulation 1.25 or 1.26, or an opinion of an independent expert mentioned in paragraph 1.23 (1B) (b), is not admissible in evidence before a court or tribunal otherwise than in:

- (a) an application for judicial review or merits review of a decision to refuse to grant a visa the application for which included the non-judicially determined claim of domestic violence to which the statutory declaration or opinion relates; or
- (b) a prosecution of the maker of the statutory declaration under section 11 of the *Statutory Declarations Act 1959*.

Schedule 4 Amendments relating to Close Ties visas

(subregulation 4 (1))

[1] Paragraph 2.12 (1) (a)

omit

[2] Subregulation 2.12 (2)

omit

[3] Schedule 1, paragraph 1115 (2) (a)

substitute

(a) First instalment (payable at the time application is made): \$1 935

[4] Schedule 1, paragraph 1115 (3) (d)

omit

Family (Residence) (Class AO)

insert

Special Eligibility (Residence) (Class AO)

[5] Schedule 2, subdivision 832.21

substitute

832.21 Criteria to be satisfied at time of application

832.211 The applicant:

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

-
- (b) is not the holder of a substantive visa, and immediately before ceasing to hold a substantive visa, was not the holder of a Subclass 771 (Transit) visa.
- 832.212 (1) The applicant meets the requirements of subclause (2) or (3).
- (2) An applicant meets the requirements of this subclause if he or she:
- (a) meets the requirements of paragraph 832.211 (a); and
- (b) satisfies the criteria set out in Subdivision 151.21.
- (3) An applicant meets the requirements of this subclause if he or she:
- (a) meets the requirements of paragraph 832.211 (b); and
- (b) satisfies the criteria set out in Subdivision 151.21; and
- (c) satisfies Schedule 3 criterion 3002.

[6] Schedule 2, clause 832.221

substitute

- 832.221 The applicant:
- (a) meets the requirements of subclause 832.212 (2) or (3); and
- (b) satisfies public interest criteria 4001, 4002, 4003, 4004, 4007, 4009 and 4010; and
- (c) if the applicant has previously been in Australia — the applicant satisfies special return criteria 5001 and 5002.

Schedule 5 Amendments relating to identifying information

(subregulation 4 (1))

[1] **After regulation 3.03**

insert

3.03A Evidence of identity and visa for persons entering Australia — personal identifiers

For paragraph 166 (1AA) (d) of the Act, the following types of personal identifiers are prescribed:

- (a) fingerprints or handprints of the person (including those taken using paper and ink or digital liveness scanning technologies);
- (b) an iris scan.

Note Under paragraph 166 (1) (aa) of the Act, if a person who is a non-citizen enters Australia in prescribed circumstances, the person must comply with any requirement of a clearance officer to provide one or more personal identifiers. Personal identifiers are mentioned in subsection 166 (1AA), and include any prescribed personal identifiers.

[2] **Regulation 3.30**

omit

For subsection 261AA (1)

insert

- (1) For subsection 261AA (1)

[3] Regulation 3.30*insert*

- (2) For paragraph 261AA (1A) (e) of the Act, an iris scan is prescribed.

Note Under subsection 261AA (1) of the Act, a non-citizen who is in immigration detention must (other than in the prescribed circumstances) provide to an authorised officer one or more personal identifiers. Personal identifiers are mentioned in subsection 261AA (1A) of the Act, and include any prescribed personal identifiers.

[4] After regulation 5.34*insert***5.34D Disclosure of information to prescribed bodies**

For paragraph 336F (1) (d) of the Act (which deals with the authorised disclosure of identifying information to various bodies), a body of:

- (a) a foreign country; or
- (b) the Commonwealth; or
- (c) a State; or
- (d) a Territory;

that is specified by the Minister by Gazette Notice for this regulation is a prescribed body.

5.34E Disclosure of information to prescribed international organisations

For paragraph 336F (1) (e) of the Act (which deals with the authorised disclosure of identifying information to international organisations), an organisation that is specified by the Minister by Gazette Notice for this regulation is a prescribed international organisation.

**Schedule 6 Amendment relating to review
by the Refugee Review
Tribunal**

(subregulation 4 (1))

[1] Subregulation 4.31B (5)

omit

and before 1 July 2005

Schedule 7 Amendments relating to visa labels — general

(subregulation 4 (2))

[1] Paragraph 2.16 (2) (b), except the note

substitute

(b) in any other case — by:

- (i) telling the applicant orally that the visa has been granted; or
- (ii) notifying the applicant by one of the methods specified in section 494B of the Act; or
- (iii) giving the applicant evidence of the visa.

[2] Subregulation 2.17 (6)

substitute

(6) If:

(a) evidence of the grant of a visa (other than a transitional visa or a visa of a class referred to in regulation 2.18) to a non-citizen has been given to the non-citizen; and

b) either:

- (i) the evidence, or the passport or document in which it was given, has been damaged, defaced, lost, stolen or destroyed, or otherwise cannot, for good reason, be presented for travel purposes; or
- (ii) the passport or document has expired, or has been cancelled, or is no longer applicable to that person;

replacement evidence may be given to the non-citizen in any way mentioned in the Part of Schedule 2 that relates to visas of the same subclass as the visa that was granted.

[3] Paragraph 3.03 (3) (f), except the note

substitute

- (f) if the non-citizen holds a Subclass 417 (Working Holiday) or Subclass 676 (Tourist) visa granted on the basis of an Internet application:
 - (i) show a clearance officer evidence of the person's identity, as specified in Part 1 of Schedule 9; and
 - (ii) give the clearance officer a completed passenger card.

[4] Paragraphs 3.03 (3) (h), (i), (j) and (k)

omit

[5] Paragraph 3.03 (4) (a)

substitute

- (a) show a clearance officer:
 - (i) the person's passport; and
 - (ii) if the person's visa is evidenced by a label and a clearance officer asks for the label to be shown — the label; and

[6] Subregulations 3.03 (6) and (7)

omit

[7] Schedule 9, Part 1, items 24 and 26 to 30

omit

Schedule 8 Amendments of Schedule 2 relating to the primary criteria to be satisfied at the time of decision for visa grant

(subregulation 4 (2))

[1] Amendments

- (1) Schedule 2 is amended by inserting, after each clause mentioned in subitem (3), the following text (with a clause number in accordance with subitem (2)):

The Minister is satisfied that:

- (a) the applicant is the holder of 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; or
- (b) it would be unreasonable to require the applicant to be the holder of a passport.

- (2) The text inserted by subitem (1) is to be numbered with the next consecutive clause number after the number of the clause in subitem (3) after which the text is inserted.

- (3) The clauses after which the text is to be inserted are:

- | | | |
|-----------|-----------|-----------|
| • 020.222 | • 115.227 | • 132.226 |
| • 100.226 | • 116.227 | • 134.228 |
| • 101.228 | • 117.227 | • 136.231 |
| • 102.228 | • 119.226 | • 137.230 |
| • 103.229 | • 120.226 | • 138.233 |
| • 110.226 | • 121.227 | • 139.234 |
| • 114.227 | • 124.226 | • 143.232 |

-
- | | | |
|-----------|-----------|-----------|
| • 151.225 | • 422.229 | • 801.225 |
| • 155.221 | • 423.231 | • 802.226 |
| • 157.221 | • 424.232 | • 804.228 |
| • 159.221 | • 425.228 | • 808.221 |
| • 160.225 | • 426.229 | • 814.225 |
| • 161.225 | • 427.233 | • 820.225 |
| • 162.226 | • 428.230 | • 826.225 |
| • 163.226 | • 430.227 | • 832.224 |
| • 164.226 | • 432.232 | • 835.227 |
| • 165.228 | • 442.231 | • 836.227 |
| • 173.229 | • 445.228 | • 837.226 |
| • 300.227 | • 446.221 | • 838.227 |
| • 302.226 | • 456.222 | • 845.225 |
| • 303.227 | • 457.227 | • 846.226 |
| • 309.229 | • 459.228 | • 855.226 |
| • 310.228 | • 461.226 | • 856.226 |
| • 405.228 | • 470.232 | • 857.226 |
| • 410.221 | • 495.233 | • 858.225 |
| • 411.228 | • 497.224 | • 861.231 |
| • 415.232 | • 580.229 | • 862.233 |
| • 416.228 | • 675.223 | • 863.234 |
| • 418.231 | • 676.224 | • 864.230 |
| • 419.230 | • 679.230 | • 880.231 |
| • 420.231 | • 685.223 | • 881.233 |
| • 421.231 | • 771.223 | • 882.234 |

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- | | | |
|-----------|-----------|------------|
| • 884.229 | • 891.225 | • 893.226 |
| • 890.224 | • 892.225 | • 995.221. |

Schedule 9 Amendments of Schedule 2 relating to the secondary criteria to be satisfied at the time of decision for visa grant

(subregulation 4 (2))

[1] Amendments

- (1) Schedule 2 is amended by inserting, after each clause mentioned in subitem (3) (the *current clause*), the following text (with a clause number in accordance with subitem (2)):

The Minister is satisfied that:

- (a) the applicant is the holder of 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; or
- (b) it would be unreasonable to require the applicant to be the holder of a passport.
- (2) The text inserted by subitem (1) is to be numbered with the next consecutive clause number after the number of the current clause.
- (3) The clauses after which the text is to be inserted are:

- | | | |
|-----------|-----------|-----------|
| • 100.324 | • 116.326 | • 134.325 |
| • 101.326 | • 117.325 | • 136.325 |
| • 102.326 | • 119.325 | • 137.325 |
| • 103.327 | • 120.325 | • 138.326 |
| • 110.324 | • 121.325 | • 139.326 |
| • 114.326 | • 124.325 | • 143.329 |
| • 115.326 | • 132.324 | • 151.325 |

• 160.324	• 426.327	• 826.326
• 161.324	• 427.326	• 832.324
• 162.324	• 428.326	• 835.325
• 163.324	• 430.325	• 836.325
• 164.324	• 432.326	• 837.325
• 165.324	• 442.326	• 838.325
• 173.327	• 445.325	• 845.323
• 300.326	• 456.328	• 846.323
• 302.323	• 457.328	• 855.324
• 303.325	• 459.329	• 856.324
• 309.326	• 495.326	• 857.324
• 310.326	• 497.323	• 858.324
• 405.330	• 570.333	• 861.325
• 410.321	• 571.333	• 862.326
• 411.327	• 572.333	• 863.326
• 415.327	• 573.333	• 864.329
• 416.326	• 574.333	• 880.325
• 418.327	• 575.333	• 881.326
• 419.326	• 576.334	• 882.326
• 420.327	• 580.327	• 884.327
• 421.327	• 801.324	• 890.323
• 422.328	• 802.325	• 891.323
• 423.327	• 804.326	• 892.323
• 424.328	• 814.324	• 893.323.
• 425.325	• 820.325	

Schedule 10 Amendments of Schedule 2 relating to ways of giving evidence of visa grant

(subregulation 4 (2))

[1] Amendments

- (1) Division 7 of each Part of Schedule 2 mentioned in subitem (3) is amended by omitting the contents of the Division (except the heading) and inserting the following text (with each paragraph representing a separate clause, numbered in accordance with subitem (2)):

No evidence need be given.

If evidence is given, to be given by a label affixed to a valid passport.

- (2) Each clause represented by a paragraph of text inserted by subitem (1) is to be numbered with a number made up of the 3-digit number of the Part into which it is inserted, followed by a decimal point and:
- (a) for the first paragraph of inserted text — 711; and
 - (b) for the second paragraph of inserted text — 712.

Example

After the amendment, Division 7 of Part 010 would read:

010.7 Way of giving evidence

010.711 No evidence need be given.

010.712 If evidence is given, to be given by a label affixed to a valid passport.

- (3) The Parts amended are:

- | | | |
|-------|-------|-------|
| • 010 | • 030 | • 051 |
| • 020 | • 050 | • 060 |

• 100	• 161	• 426
• 101	• 162	• 427
• 102	• 163	• 428
• 103	• 164	• 430
• 110	• 165	• 432
• 114	• 173	• 442
• 115	• 300	• 445
• 116	• 302	• 446
• 117	• 303	• 456
• 119	• 309	• 457
• 120	• 310	• 459
• 121	• 405	• 461
• 124	• 410	• 462
• 132	• 411	• 470
• 134	• 415	• 495
• 136	• 416	• 497
• 137	• 417	• 570
• 138	• 418	• 571
• 139	• 419	• 572
• 143	• 420	• 573
• 151	• 421	• 574
• 155	• 422	• 575
• 157	• 423	• 576
• 159	• 424	• 580
• 160	• 425	• 675

• 676	• 832	• 862
• 679	• 835	• 863
• 685	• 836	• 864
• 771	• 837	• 880
• 773	• 838	• 881
• 787	• 845	• 882
• 801	• 846	• 884
• 802	• 852	• 890
• 804	• 855	• 891
• 808	• 856	• 892
• 814	• 857	• 893
• 820	• 858	• 995.
• 826	• 861	

Schedule 11 Amendments of Schedule 2 relating to ways of giving evidence of grant of a Refugee or Humanitarian visa

(subregulation 4 (2))

[1] Amendments

- (1) Division 7 of each Part of Schedule 2 mentioned in subitem (3) is amended by omitting the contents of the Division (except the heading) and inserting the following text (with each paragraph representing a separate clause, numbered in accordance with subitem (2)):

No evidence need be given.

If evidence is given, to be given by a label affixed to a valid passport or valid Convention travel document.

- (2) Each clause represented by a paragraph of text inserted by subitem (1) is to be numbered with a number made up of the 3-digit number of the Part into which it is inserted, followed by a decimal point and:
- (a) for the first paragraph of inserted text — 711; and
 - (b) for the second paragraph of inserted text — 712.

Example

After the amendment, Division 7 of Part 200 would read:

200.7 Way of giving evidence

200.711 No evidence need be given.

200.712 If evidence is given, to be given by a label affixed to a valid passport or valid Convention travel document.

(3) The Parts amended are:

- | | | |
|-------|-------|--------|
| • 200 | • 204 | • 451 |
| • 201 | • 447 | • 786. |
| • 202 | • 448 | |
| • 203 | • 449 | |

Schedule 12 Amendments of Schedule 2 relating to ways of giving evidence of grant of a Protection visa

(subregulation 4 (2))

[1] Clauses 695.711 and 695.712

substitute

695.711 No evidence need be given.

695.712 If evidence is given, to be given by a label affixed to a valid
passport, valid Convention travel document or an approved
form.

[2] Clause 785.711

substitute

785.711 No evidence need be given.

785.712 If evidence is given, to be given by a label affixed to a valid
passport, valid Convention travel document or an approved
form.

[3] Clause 800.711

substitute

800.711 No evidence need be given.

800.712 If evidence is given, to be given by a label affixed to a valid
passport, valid Convention travel document or an approved
form.

[4] Clause 866.711

substitute

866.711 No evidence need be given.

866.712 If evidence is given, to be given by a label affixed to a valid
passport, valid Convention travel document or an approved
form.

**Schedule 13 Amendment of Schedule 2
relating to ways of giving
evidence of grant of a
Subclass 070 (Bridging
(Removal Pending)) visa**
(subregulation 4 (2))

[1] Clauses 070.711 and 070.712

substitute

070.711 No evidence need be given.

070.712 If evidence is given, to be given by a label affixed to a valid
passport or an approved form.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.frli.gov.au.