



Migration Amendment (Bridging Visas—Code of Behaviour) Regulation 2013

Select Legislative Instrument No. 269, 2013

I, Quentin Bryce AC CVO, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Migration Act 1958*.

Dated 12 December 2013

Quentin Bryce
Governor-General

By Her Excellency's Command

Scott Morrison
Minister for Immigration and Border Protection

OPC60342 - A

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1 Name of regulation

This regulation is the *Migration Amendment (Bridging Visas—Code of Behaviour) Regulation 2013*.

2 Commencement

This regulation commences on 14 December 2013.

3 Authority

This regulation is made under the *Migration Act 1958*.

4 Schedule(s)

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Migration Regulations 1994

1 Schedule 1 (at the end of subitem 1305(3))

Add:

- (f) The applicant has not previously held a Bridging E (Class WE) visa that has been cancelled by reason of a failure to comply with condition 8564 or 8566.
- (g) The applicant has not previously held a visa that has been cancelled on a ground specified in paragraph 2.43(1)(p) or (q).

2 Schedule 2 (at the end of Division 050.2)

Add:

050.225

If the applicant:

- (a) is at least 18 at the time of application; and
 - (b) holds, or has previously held, a Bridging E (Class WE) visa granted under section 195A of the Act;
- the applicant satisfies public interest criterion 4022.

3 Schedule 2 (at the end of Division 050.6)

Add:

050.619

In addition to any other condition imposed by another provision of this Division, if the person to whom the visa would be granted has signed a code of behaviour that is in effect for the visa, condition 8566 must be imposed.

Note 1: A Subclass 050 visa may be granted with or without an application (for example, see regulation 2.25).

Note 2: 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.

4 Schedule 4 (at the end of Part 1)

Add:

- 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.

5 At the end of Schedule 4

Add:

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.

6 At the end of Schedule 8

Add:

- 8566 If the person to whom the visa is granted has signed a code of behaviour that is in effect for the visa, the holder must not breach the code.
- Note 1: Some visas may be granted with or without an application (for example, see regulation 2.25).
- Note 2: 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.

7 At the end of Schedule 13

Add:

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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.