



Migration Amendment (Seamless Traveller) Regulations 2018

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 02 November 2018

Peter Cosgrove
Governor-General

By His Excellency's Command

David Coleman
Minister for Immigration, Citizenship and Multicultural Affairs

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1 Name

This instrument is the *Migration Amendment (Seamless Traveller) Regulations 2018*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	17 November 2018.	17 November 2018

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

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

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 Before subregulation 3.03(1)

Insert:

- (1A) For the purposes of subparagraph 166(1)(a)(i) of the Act, an image of a person's face and shoulders is prescribed as other evidence of the person's identity and Australian citizenship.

2 Subregulation 3.03(1) (note)

Repeal the note.

3 Before subregulation 3.03(2)

Insert:

- (2A) For the purposes of subsection 166(3) of the Act, a person who seeks to comply with subparagraph 166(1)(a)(i) of the Act by presenting an image of the person's face and shoulders must do so by presenting themselves to an authorised system.

4 Paragraph 3.03(3)(a)

Repeal the paragraph, substitute:

- (a) if the non-citizen is taken to hold a special purpose visa—provide a completed passenger card to a clearance officer if required by Part 1 of Schedule 9 and present:
- (i) the non-citizen's passport to an authorised system; or
 - (ii) an image of the non-citizen's face and shoulders by presenting themselves to an authorised system; or
 - (iii) evidence of the non-citizen's identity, as specified in that Part, to a clearance officer; and

5 Subparagraph 3.03(3)(b)(i)

After “present”, insert “an image of the non-citizen's face and shoulders by presenting themselves to an authorised system or present”.

6 Subparagraphs 3.03(3)(d)(i), (e)(i), (ea)(i), (f)(i), (fa)(i) and (g)(i)

Omit “present evidence of the person's”, substitute “present an image of the non-citizen's face and shoulders by presenting themselves to an authorised system or present evidence of the non-citizen's”.

7 Subregulation 3.03(4)

Repeal the subregulation, substitute:

- (4) For the purposes of subsection 166(3) of the Act, a non-citizen who is required to comply with section 166 of the Act (other than a non-citizen mentioned in subregulation (3)) must:
- (a) present:
 - (i) an image of the non-citizen's face and shoulders by presenting themselves to an authorised system; or

- (ii) the non-citizen's passport to a clearance authority; and
- (b) if the non-citizen's visa is evidenced by a label and a clearance officer asks for the label to be shown—present the label to a clearance officer; and
- (c) provide a completed passenger card to a clearance officer.

(5) In this regulation:

authorised system means an automated system that is an authorised system for the purposes of section 166 of the Act.

8 Subregulation 3.09(1)

Insert:

authorised system means an automated system that is an authorised system for the purposes of section 170 of the Act.

9 Subregulations 3.09(2) to (3)

Repeal the subregulations, substitute:

- (2) For the purposes of paragraph 170(1)(a) of the Act, each of the following is prescribed as evidence of a person's identity:
- (a) an image of the person's face and shoulders;
 - (b) a passport issued to the person that is in force and bears a photograph and the full name of the person;
 - (c) a licence to drive a motor vehicle issued to the person under a law of the Commonwealth, or a State or Territory, that is in force and bears a photograph and the full name of the person;
 - (d) a document issued to the person by:
 - (i) the Commonwealth or a State or Territory; or
 - (ii) a Commonwealth, State or Territory authority;
 that is in force and bears a photograph and the full name of the person;
 - (e) if the person travels, or appears to intend to travel, on an overseas vessel that is an aircraft—a valid aviation security identification card (within the meaning of the *Aviation Transport Security Regulations 2005*) that:
 - (i) was issued to the person by the operator of the aircraft or the operator of an airport in Australia; and
 - (ii) is in force and bears a photograph and the full name of the person.
- (3) For the purposes of subsection 170(2) of the Act, a person who seeks to comply with paragraph 170(1)(a) of the Act by presenting an image of the person's face and shoulders must do so by presenting themselves to an authorised system.

10 At the end of regulation 5.15A

Add:

- (4) For the purposes of paragraph 32(2)(c) of the Act, a declared class of persons for whom a visa of another class would be inappropriate is New Zealand citizens:
- (a) who hold a New Zealand passport that:
 - (i) is in force; and
 - (ii) is of a kind determined under section 175A of the Act to be an eligible passport for the purposes of Division 5 of Part 2 of the Act; and

- (b) who have presented an image of their face and shoulders by presenting themselves to an authorised system and who, as a result, have been satisfactorily identified; and
- (c) who are neither behaviour concern non-citizens nor health concern non-citizens.

(5) In this regulation:

authorised system means an automated system that is an authorised system for the purposes of section 32 of the Act.

11 Paragraph 1219(3)(b) of Schedule 1

Repeal the paragraph, substitute:

- (b) The applicant must present to an officer or a clearance authority a New Zealand passport held by the applicant that is in force unless:
 - (i) the application is made using an authorised system; and
 - (ii) the applicant holds a New Zealand passport that is in force; and
 - (iii) for the purposes of being immigration cleared, the applicant presents an image of the applicant's face and shoulders by presenting themselves to an authorised system and, as a result, the applicant is satisfactorily identified.

12 At the end of item 1219 of Schedule 1

Add:

(5) In this item:

authorised system means an automated system that is an authorised system for the purposes of section 32 of the Act.