



## **Migration Amendment (Hong Kong Passport Holders) Regulations 2020**

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I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 20 August 2020

David Hurley  
Governor-General

By His Excellency's Command

Alan Tudge  
Minister for Population, Cities and Urban Infrastructure  
for the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

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## 1 Name

This instrument is the *Migration Amendment (Hong Kong Passport Holders) Regulations 2020*.

## 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	9 July 2020.	9 July 2020

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 Regulation 1.03

Insert:

***Hong Kong passport*** means a Hong Kong Special Administrative Region of the People's Republic of China passport.

#### 2 Clause 482.511 of Schedule 2

Repeal the clause, substitute:

#### 482.511

- (1) A temporary visa permitting the holder:
- (a) to travel to, and enter, Australia on multiple occasions; and
  - (b) to remain in Australia;
- during the period that:
- (c) starts when the visa comes into effect; and
  - (d) ends in accordance with the following table.

End of visa period		
Item	Column 1 If ...	Column 2 the period ends at ...
1	(a) the holder satisfied the primary criteria for the grant of the visa; and (b) item 2 does not apply;	the end of the period of stay proposed in the nomination identified in the application for the visa, starting on the date of grant of the visa.
2	the holder: (a) satisfied the primary criteria for the grant of the visa; and (b) on the date of grant of the visa, holds a Hong Kong passport in a class specified under subclause (2) of this clause;	the end of the period of 5 years starting on the date of grant of the visa.
3	(a) the holder satisfied the secondary criteria for the grant of the visa (the <b><i>secondary visa</i></b> ) as a member of the family unit of a person (the <b><i>primary applicant</i></b> ) who satisfied the primary criteria for the grant of one of the following visas (the <b><i>primary visa</i></b> ): (i) a Subclass 457 (Temporary Work (Skilled)) visa; (ii) a Subclass 482 (Temporary Skill Shortage) visa; and (b) items 4 and 5 do not apply;	the end of the period the primary applicant is permitted to remain in Australia under the primary visa.
4	(a) the holder (the <b><i>secondary applicant</i></b> ) satisfied the secondary criteria for the grant of the visa (the <b><i>secondary visa</i></b> ) as a member of the family unit,	the earlier of: (a) the end of the period the primary applicant is permitted

<b>End of visa period</b>		
<b>Item</b>	<b>Column 1 If ...</b>	<b>Column 2 the period ends at ...</b>
	in the circumstances described in subparagraph 1.12(2)(b)(ii) or subregulation 1.12(5), of a person (the <b>primary applicant</b> ) who satisfied the primary criteria for the grant of one of the following visas (the <b>primary visa</b> ): <ul style="list-style-type: none"> <li>(i) a Subclass 457 (Temporary Work (Skilled)) visa;</li> <li>(ii) a Subclass 482 (Temporary Skill Shortage) visa; and</li> </ul> (b) the secondary applicant is not dependent on the primary applicant or the spouse or de facto partner of the primary applicant in the circumstances described in paragraph 1.05A(1)(b); and           (c) item 5 of this table does not apply;	to remain in Australia under the primary visa; and (b) the end of the day before the secondary applicant's 23rd birthday.
5	(a) the holder (the <b>secondary applicant</b> ) satisfied the secondary criteria for the grant of the visa (the <b>secondary visa</b> ) as a member of the family unit of a person (the <b>primary applicant</b> ) who satisfied the primary criteria for the grant of one of the following visas (the <b>primary visa</b> ): <ul style="list-style-type: none"> <li>(i) a Subclass 457 (Temporary Work (Skilled)) visa;</li> <li>(ii) a Subclass 482 (Temporary Skill Shortage) visa; and</li> </ul> (b) on the date of grant of the primary visa, the primary applicant holds a Hong Kong passport; and           (c) if the primary visa is a Subclass 482 (Temporary Skill Shortage) visa granted on or after 9 July 2020—the Hong Kong passport is, on the date of grant of the primary visa, in a class specified under subclause (2) of this clause;	the end of the period the primary applicant is permitted to remain in Australia under the primary visa.

- (2) The Minister may, by legislative instrument, specify a class of Hong Kong passports for the purposes of items 2 and 5 of the table in subclause (1).

### **3 In the appropriate position in Schedule 13**

Insert:

## **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 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.



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**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
  - (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.