

Migration Amendment (Subclass 189 Visas) Regulations 2021

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 27 May 2021

David Hurley

Governor‑General

By His Excellency’s Command

Alex Hawke

Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

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1 Name

This instrument is the *Migration Amendment (Subclass 189 Visas) Regulations 2021*.

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 | 1 July 2021. | 1 July 2021 |

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 Subclause 189.232(1) of Schedule 2

Omit “The”, substitute “Subject to subclause (1A), the”.

2 Subclause 189.232(1) of Schedule 2

Omit “the 4 most recently completed income years before the date of the application (during the period of 5 years immediately before that date)”, substitute “3 income years ending during the period of 5 years ending immediately before the date of the application”.

3 After subclause 189.232(1) of Schedule 2

Insert:

(1A) One of the income years must be the income year that ended most recently before the date of the application.

4 Subclause 189.233(1) of Schedule 2

Omit “4 completed”, substitute “3”.

5 In the appropriate position in Schedule 13

Insert:

Part 94—Amendments made by the Migration Amendment (Subclass 189 Visas) Regulations 2021

9401 Operation of Schedule 1

The amendments made by items 1 to 4 of Schedule 1 to the *Migration Amendment (Subclass 189 Visas) Regulations 2021* apply in relation to visa applications made on or after 1 July 2021.