



## **Migration Amendment (Subclass 189 Visas— New Zealand Stream) Regulations 2022**

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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                    8 December 2022

David Hurley  
Governor-General

By His Excellency's Command

Andrew Giles  
Minister for Immigration, Citizenship and Multicultural Affairs

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## 1 Name

This instrument is the *Migration Amendment (Subclass 189 Visas—New Zealand Stream) Regulations 2022*.

## 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	10 December 2022.	10 December 2022

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

### Part 1—Amendments

#### *Migration Regulations 1994*

##### **1 After paragraph 1137(4G)(a) of Schedule 1**

Insert:

- (aa) An application by a primary NZ applicant must be made:
  - (i) before 10 December 2022; or
  - (ii) on or after 1 July 2023.

##### **2 Before clause 189.231 of Schedule 2**

Insert:

###### **189.231A**

The applicant satisfies either or both of the following:

- (a) clause 189.231B;
- (b) clauses 189.231, 189.232, 189.233 and 189.234.

###### **189.231B**

The application is made before 10 December 2022.

##### **3 Subclause 189.312(5) of Schedule 2**

Omit “the New Zealand stream or”.

##### **4 At the end of clause 189.312 of Schedule 2**

Add:

- (6) If the primary applicant holds a Subclass 189 visa in the New Zealand stream granted on the basis of an application made on or after 1 July 2023, the applicant satisfies public interest criterion 4007.

## **Part 2—Application of amendments**

### ***Migration Regulations 1994***

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

Insert:

## **Part 114—Amendments made by the Migration Amendment (Subclass 189 Visas—New Zealand Stream) Regulations 2022**

### **11401 Operation of amendments**

- (1) The amendment made by item 2 of Part 1 of Schedule 1 to the *Migration Amendment (Subclass 189 Visas—New Zealand Stream) Regulations 2022* applies in relation to an application for a Subclass 189 (Skilled—Independent) visa made before 10 December 2022 if a decision has not been made to grant, or refuse to grant, the visa before that day.
- (2) The amendment made by item 3 of Part 1 of Schedule 1 to the *Migration Amendment (Subclass 189 Visas—New Zealand Stream) Regulations 2022* applies in relation to an application for a Subclass 189 (Skilled—Independent) visa, whether made (or taken to be made) before, on or after 10 December 2022, if:
  - (a) the application is made by a person seeking to satisfy the secondary criteria for the grant of the visa as a member of the family unit of a person who applied for their visa (the **primary visa**) before 10 December 2022; and
  - (b) a decision has not been made to grant, or refuse to grant, the primary visa before that day.