



Migration Amendment (Subclass 309 Applicant Review Rights) Regulations 2023

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 30 March 2023

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 309 Applicant Review Rights) Regulations 2023*.

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	The day after this instrument is registered.	4 April 2023

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 Paragraph 4.02(5)(r)

Repeal the paragraph, substitute:

- (r) in the case of a decision to which paragraph (4)(s) applies:
 - (i) if the visa applied for is a Subclass 300 (Prospective Marriage) visa—the sponsor; or
 - (ii) if the visa applied for is a Subclass 309 (Partner (Provisional)) visa—the applicant;

Part 2—Application of amendments

Migration Regulations 1994

2 In the appropriate position in Schedule 13

Insert:

Part 116—Amendments made by the Migration Amendment (Subclass 309 Applicant Review Rights) Regulations 2023

11601 Operation of amendments

The amendments made by Part 1 of Schedule 1 to the *Migration Amendment (Subclass 309 Applicant Review Rights) Regulations 2023* apply in relation to a decision to refuse to grant a Subclass 309 (Partner (Provisional)) visa made on or after the commencement of that Part, whether the visa application was made before, on or after that commencement.