



Migration Amendment (Subclass 200 and 201 Visas) 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 23 November 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 200 and 201 Visas) 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.	25 November 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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Migration Regulations 1994

1 After subclause 200.211(1B) of Schedule 2

Insert:

- (1C) A relevant Minister may, in writing, delegate the relevant Minister's powers to certify an applicant for the purposes of paragraph (1A)(b) to:
- (a) in the case of a relevant Minister other than the Attorney-General:
 - (i) the Secretary of the Department administered by the relevant Minister; or
 - (ii) an SES employee, or acting SES employee, in the Department administered by the relevant Minister; or
 - (b) in the case of the Attorney-General:
 - (i) the Secretary of the Department administered by the Attorney-General; or
 - (ii) an SES employee, or acting SES employee, in the Department administered by the Attorney-General; or
 - (iii) the Commissioner of the Australian Federal Police; or
 - (iv) a Deputy Commissioner of the Australian Federal Police; or
 - (v) a senior executive AFP employee (within the meaning of the *Australian Federal Police Act 1979*).

Note: Sections 34AA to 34A of the *Acts Interpretation Act 1901* contain provisions relating to delegations.

2 After subclause 201.211(1B) of Schedule 2

Insert:

- (1C) A relevant Minister may, in writing, delegate the relevant Minister's powers to certify an applicant for the purposes of paragraph (1A)(b) to:
- (a) in the case of a relevant Minister other than the Attorney-General:
 - (i) the Secretary of the Department administered by the relevant Minister; or
 - (ii) an SES employee, or acting SES employee, in the Department administered by the relevant Minister; or
 - (b) in the case of the Attorney-General:
 - (i) the Secretary of the Department administered by the Attorney-General; or
 - (ii) an SES employee, or acting SES employee, in the Department administered by the Attorney-General; or
 - (iii) the Commissioner of the Australian Federal Police; or
 - (iv) a Deputy Commissioner of the Australian Federal Police; or
 - (v) a senior executive AFP employee (within the meaning of the *Australian Federal Police Act 1979*).

Note: Sections 34AA to 34A of the *Acts Interpretation Act 1901* contain provisions relating to delegations.

3 In the appropriate position in Schedule 13

Insert:

**Part 125—Amendments made by the Migration Amendment
(Subclass 200 and 201 Visas) Regulations 2023****12501 Operation of Schedule 1**

The amendments of these Regulations made by Schedule 1 to the *Migration Amendment (Subclass 200 and 201 Visas) Regulations 2023* apply in relation to visa applications:

- (a) made, but not finally determined, before the commencement of that Schedule; or
- (b) made on or after that commencement.