

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Note: This table relates only to the provisions of this instrument as originally made.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 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

 (a) made, but not finally determined, before the commencement of that Schedule; or

 (b) made on or after that commencement.