



Migration Amendment (National Innovation Visa) Regulations 2024

I, the Honourable Sam Mostyn AC, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 7 November 2024

Sam Mostyn AC
Governor-General

By Her Excellency's Command

Tony Burke
Minister for Immigration and Multicultural Affairs

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1 Name

This instrument is the *Migration Amendment (National Innovation Visa) Regulations 2024*.

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	6 December 2024.	6 December 2024

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 Regulation 1.03 (definition of *Prime Minister’s Special Envoy for Global Business and Talent Attraction*)

Repeal the definition.

2 Subregulation 1.12(7) (heading)

Omit “*Global Talent*”, substitute “*National Innovation*”.

3 Subregulation 1.12(7)

Omit “a *Global Talent*”, substitute “a *National Innovation*”.

4 Subregulation 2.06AAB(1) (table item 30)

Omit “*Global Talent*”, substitute “*National Innovation*”.

5 Paragraph 5.35AB(1)(m)

Omit “*Global Talent*”, substitute “*National Innovation*”.

6 Item 1113 of Schedule 1 (heading)

Omit “*Global Talent*”, substitute “*National Innovation*”.

7 Paragraph 1113(3)(c) of Schedule 1

Omit “*Global Talent*”, substitute “*National Innovation*”.

8 Paragraph 1113(3)(f) of Schedule 1

Repeal the paragraph.

9 After subitem 1113(3) of Schedule 1

Insert:

(3A) An applicant seeking to satisfy the primary criteria must meet the requirements in the table.

Item	Requirements
1	The applicant must have been invited, in writing, by the Minister to apply for a Subclass 858 (<i>National Innovation</i>) visa
2	The applicant must apply for that visa within the period stated in the invitation

10 Subitem 1113(4) of Schedule 1

Omit “*Global Talent*”, substitute “*National Innovation*”.

11 Paragraph 773.213(2)(zy) of Schedule 2

Omit “*Global Talent*”, substitute “*National Innovation*”.

12 Part 858 of Schedule 2 (heading)

Omit “*Global Talent*”, substitute “*National Innovation*”.

13 Before clause 858.212 of Schedule 2

Insert:

858.211

The applicant was invited, in writing, by the Minister to apply for the visa.

14 Subclause 858.212(1) of Schedule 2

Repeal the subclause, substitute:

- (1) The applicant meets the requirements of:
 - (a) both subclauses (2) and (3); or
 - (b) subclause (4).

15 After subclause 858.212(2) of Schedule 2

Insert:

- (3) The area in which the applicant has an internationally recognised record of exceptional and outstanding achievement and the applicant's achievements in that area is the area and those achievements stated in the invitation to apply for the visa.

16 Clause 858.229 of Schedule 2

Repeal the clause.

17 Division 858.3 of Schedule 2 (note 2 to the heading)

Omit "Global Talent", substitute "National Innovation".

18 Paragraph 858.311(a) of Schedule 2

Omit "Global Talent", substitute "National Innovation".

19 In the appropriate position in Schedule 13

Insert:

Part 142—Amendments made by the Migration Amendment (National Innovation Visa) Regulations 2024

14201 Operation of amendments

- (1) The amendments of these Regulations made by Schedule 1 to the *Migration Amendment (National Innovation Visa) Regulations 2024* apply in relation to an application for a visa made on or after 6 December 2024.
- (2) To avoid doubt, the reference in paragraph 773.213(2)(zy) of Schedule 2 to these Regulations to a National Innovation (Class BX) visa is taken to include a reference to:
 - (a) a Distinguished Talent (Class BX) visa issued on the basis of an application made before 27 February 2021; and
 - (b) a Global Talent (Class BX) visa issued on the basis of an application made before 6 December 2024.