# EXPLANATORY STATEMENT

Issued by the Assistant Minister for Immigration

*Migration Act 1958*

***Migration Amendment (Skilled Visa Reform Technical Measures) Regulations 2025***

The *Migration Act 1958* (the Migration Act) is an Act relating to the entry into, and presence in, Australia of aliens, and the departure or deportation from Australia of aliens and certain other persons.

Subsection 504(1) of the Migration Act provides that the Governor-General may make regulations, not inconsistent with the Migration Act, prescribing matters required or permitted to be prescribed, or necessary or convenient to be prescribed, for carrying out or giving effect to the Migration Act.

## Purpose

The *Migration Amendment (Skilled Visa Reform Technical Measures) Regulations 2025* (the Amendment Regulations) amend the *Migration Regulations 1994* (the Migration Regulations) to clarify certain provisions in the Migration Regulations in relation to the Subclass 482 (Skills in Demand) visa (SID visa).

## Background

The *Migration Amendment (2024 Measures No. 1) Regulations 2024*, which commenced on 7 December 2024, amended the Migration Regulations to establish the SID visa, which replaced the former Subclass 482 (Temporary Skill Shortage) visa (TSS visa).

The Amendment Regulations amend several provisions in the Migration Regulations to clarify and align the SID visa with existing arrangements in relation to the TSS visa. In particular, the amendments:

- clarify that the Minister's existing power to cancel a Subclass 482 visa that is a TSS visa is available in equivalent circumstances for the SID visa as a Subclass 482 visa;
- update the definitions of a ***primary sponsored person*** and a ***secondary sponsored person*** to include holders of a SID visa, aligning with existing definitions for holders of a TSS visa;
- clarify that certain obligations borne by an employer sponsor in relation to primary and secondary sponsored persons holding a SID visa will end in equivalent circumstances as the TSS visa;
- ensure the ability to seek merits review of a decision to refuse grant of a SID visa is clearly set out and provided for in circumstances where the applicant was outside Australia when the application was made;
- clarify that the requisite employment experience for a Subclass 186 (Employer Nomination Scheme) visa (ENS visa) in the Temporary Residence Transition stream must have been under the employment of an approved work sponsor.

**Consultation**

The development of the SID visa was informed through consultation with businesses, unions, and other stakeholders undertaken throughout the Migration Review, and which informed the Migration Strategy. The Department also engaged in whole of government consultation in the course of developing the Migration Strategy, including with the Department of Employment and Workplace Relations and the Department of the Prime Minister and Cabinet. Further consultation was not considered necessary in relation to the Amendment Regulations as these amendments are largely technical in nature and are intended to ensure alignment for the SID visa with the former TSS visa.

**Details and operation**

The Amendment Regulations are a disallowable legislative instrument for the purposes of the Legislation Act. Details of the Amendment Regulations are provided in Attachment B.

The Amendment Regulations commence on 29 November 2025.

The Migration Act specifies no conditions that need to be satisfied before the power to make the Regulations may be exercised.

**Parliamentary scrutiny and other matters**

A Statement of Compatibility with Human Rights has been completed in accordance with the *Human Rights (Parliamentary Scrutiny) Act 2011*. The overall assessment is that the Amendment Regulations are compatible with human rights. A copy of the Statement is at Attachment A.

The matters dealt with in the Amendment Regulations are appropriate for implementation in regulations rather than by parliamentary enactment. It has been the consistent practice of the Government of the day to provide for detailed visa settings in the Migration Regulations rather than in the Migration Act itself. The Migration Act expressly provides for these matters to be prescribed in regulations, as can be seen in the authorising provision. Providing for these details to be in delegated legislation rather than primary legislation gives the Government the ability to effectively manage the operation of Australia's visa program and respond quickly to emerging needs.

The Amendment Regulations amend the Migration Regulations, which are exempt from sunsetting under table item 38A of section 12 of the *Legislation (Exemptions and Other Matters) Regulation 2015*. The Migration Regulations are exempt from sunsetting on the basis that the repeal and remaking of the Migration Regulations:

- is unnecessary as the Migration Regulations are regularly amended numerous times each year to update policy settings for immigration programs;
- would require complex and difficult to administer transitional provisions to ensure, amongst other things, the position of the many people who hold Australian visas, and similarly, there would likely be a significant impact on undecided visa and sponsorship applications; and
- would demand complicated and costly systems, training and operational changes that would impose significant strain on Government resources and the Australian public for insignificant gain, while not advancing the aims of the Legislation Act 2003 (Legislation Act).

The Amendment Regulations will be repealed by operation of Division 1 of Part 3 of Chapter 3 of the Legislation Act. Specifically, section 48A in that Division operates to automatically repeal a legislative

instrument that has the sole purpose of amending or repealing another instrument. As the Amendment Regulations will automatically repeal, they do not engage the sunsetting framework under Part 4 of the Legislation Act.

**ATTACHMENT A**

## Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

***Migration Amendment (Skilled Visa Reform Technical Measures) Regulations 2025***

This Disallowable Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

### Overview of the Disallowable Legislative Instrument

On 7 December 2024, a number of reforms were made to the skilled visa program by the *Migration Amendment (2024 Measures No. 1) Regulations 2024*, which amended the *Migration Regulations 1994* (the Regulations) to create the Subclass 482 (Skills in Demand) visa (SID visa) to replace the Subclass 482 (Temporary Skill Shortage) visa (TSS visa). This delivered on a commitment outlined in the Migration Strategy, released in December 2023.

The *Migration Amendment (Skilled Visa Reform Technical Measures) Regulations 2025* (Amendment Regulations) amend the Migration Regulations to more fully integrate the SID visa into the Migration Regulations. In particular, the amendments:

- insert a reference to the SID visa in paragraph 2.43(1)(l) of the Migration Regulations. This ensures that the Minister's power under paragraph 116(1)(g) of the Migration Act, to cancel a visa if one or more events occur, will extend to the SID visa. The specified events relate to circumstances in which it would not be appropriate for an employer to continue sponsoring the visa holder. This includes where the employer has had their approval as a work sponsor cancelled under section 140M of the Migration Act. This aligns with the Minister's existing powers to cancel a TSS visa, being the predecessor visa to the SID visa;
- insert a reference to the SID visa into the definition of a 'primary sponsored person' and 'secondary sponsored person' in relation a party to a work agreement, or a former party to a work agreement at subregulation 2.57(1) (sub-subparagraphs (b)(i)(A) and (ii)(C)). Subregulation 2.76(2) specifies that a work agreement is a labour agreement, being an agreement between a party (such as a business) and the Minister, which allows that party to sponsor a SID visa holder in the Labour Agreement stream. The effect of this item is that the holder of a SID visa will be a 'primary sponsored person' where they were identified in an approved nomination by a party to a labour agreement, or a former party to a labour agreement. This aligns with the arrangements for holders of the TSS visa, which also has a Labour Agreement stream. The definition of a 'primary sponsored person' has particular relevance with respect to the sponsorship obligations set out in Part 2A of the Migration Act. This amendment brings the treatment of sponsor obligations that identify primary and secondary sponsored persons for the purposes of the SID Labour Agreement stream into line with the existing sponsor obligations that must be afforded to a SID visa holder by an approved work sponsor, as defined in regulation 2.57. While this amendment will promote legislative clarity (so that the SID visa is included under each definition that applies to the TSS

visa), it does not alter or create new sponsorship obligations owed to SID visa holders and therefore this amendment is technical in nature;

- insert a reference to the SID visa into sub-sub-subparagraph 2.80(5)(b)(iii)(C)(II). Regulation 2.80 relates to an obligation to pay travel costs to enable sponsored persons to leave Australia. The obligation is borne by approved sponsors of a TSS or SID visa and extends to certain travel costs for both 'primary sponsored persons' and 'secondary sponsored persons'. The obligation ends at the earliest occurrence of an event set out in subparagraph 2.80(5)(b), including where the 'primary sponsored person' departs Australia as the holder of a certain visa and the previous holder of certain other visas. The effect of this change is that the obligation to pay certain travel costs will end if a 'primary sponsored person' whose last substantive visa was a SID visa departs Australia as the holder of a subclass 020 (Bridging B) visa which subsequently ceases to be in effect. This aligns with existing arrangements for TSS visas;
- insert a reference to the SID visa in paragraph 4.02(4)(l). Subsection 338(9) of the Migration Act provides that decisions will be reviewable migration decisions – meaning they are subject to review by the Administrative Review Tribunal – if they are specified at paragraph 4.02(4). The effect of this is to specify the SID visa at paragraph 4.02(4)(l), which ensures that a refusal to grant that visa is a reviewable migration decision; and
- insert a reference to an approved work sponsor in subclauses 186.227(1) and (2) of Schedule 2. New subclauses 186.227(1) and (2) clarify the experience-related criteria for the Subclass 186 (Employer Nominated Scheme) visa (ENS visa) in the Temporary Residence Transition (TRT) stream. The ENS visa offers permanent residence for those who have undertaken the requisite employment experience in Australia, and who have held a sponsored temporary skilled visa for the requisite period. Specifically, an applicant for an ENS visa in the TRT stream must have held a visa specified at subclause 186.226(1) for at least two years in the three years prior to making an application. The SID visa is one of the specified visas. Additionally, the applicant must have undertaken employment experience that satisfies the criteria at subclause 186.227. At the current time, other types of non-sponsored employment can be counted towards the ENS visa requirements, provided it was in the same occupation as a previously granted eligible visa. This doesn't altogether preclude the possibility that an ENS applicant may have completed work which was not with an approved sponsor, which may be at a lower skill level and without the salary and other obligations required from approved work sponsors. The effect of this change is that the employment must also have been with an approved work sponsor in an occupation for which the person was granted a visa that satisfies the criteria at subclause 186.226(1). Because the specified visas each require a relationship with an approved work sponsor, this change will ensure that an ENS applicant will be required to complete their work experience under the employment of an approved sponsor.

**Human rights implications**

This Disallowable Legislative Instrument engages the following rights:

- the right to work under Article 6 of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), including as read with Article 2(2) ICESCR; and
- the rights of equality and non-discrimination under Article 26 of the *International Covenant on Civil and Political Rights* (ICCPR).

Article 6(1) of ICESCR provides that:

*The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.*

Article 2(2) of the ICESCR states:

> *The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.*

Article 26 of the ICCPR provides:

> *All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.*

In continuing to impose various visa requirements on overseas workers, the amendments in the Amendment Regulations engage the rights to equality and non-discrimination, including, for those persons who are already in Australia, as they relate to the right to work.

In its General Comment 18 on Article 26 of the ICCPR, the UN Human Rights Committee (UNHRC) stated that:

> *The Committee observes that not every differentiation of treatment will constitute discrimination, if the criteria for such differentiation are reasonable and objective and if the aim is to achieve a purpose which is legitimate under the [ICCPR].*

Similarly, in its General Comment on Article 2 of the ICESCR, the UN Committee on Economic, Social and Cultural Rights has stated (at 13) that:

> *Differential treatment based on prohibited grounds will be viewed as discriminatory unless the justification for differentiation is reasonable and objective. This will include an assessment as to whether the aim and effects of the measures or omissions are legitimate, compatible with the nature of the [ICESCR] rights and solely for the purpose of promoting the general welfare in a democratic society. In addition, there must be a clear and reasonable relationship of proportionality between the aim sought to be realized and the measures or omissions and their effects.*

Neither the ICCPR nor the ICESCR give a right for non-citizens to enter Australia for the purposes of seeking residence or employment. The UNHRC, in its General Comment 15 on the position of aliens under the ICCPR, stated that:

> *The [ICCPR] does not recognize the right of aliens to enter or reside in the territory of a State party. It is in principle a matter for the State to decide who it will admit to its territory. However, in certain circumstances an alien may enjoy the protection of the [ICCPR] even in relation to entry or residence, for example, when considerations of non-discrimination, prohibition of inhuman treatment and respect for family life arise.*

> *Consent for entry may be given subject to conditions relating, for example, to movement, residence and employment. A State may also impose general conditions upon an alien who is in transit. However, once aliens are allowed to enter the territory of a State party they are entitled to the rights set out in the [ICCPR].*

As such, Australia is able to set requirements for the entry of non-citizens into Australia and conditions for their stay, and does so on the basis of reasonable and objective criteria. It is open to the Government to change visa settings for new applicants to meet its policy priorities for a well-managed migration program, consistently with its international obligations, that are intended to benefit the Australian community as a whole.

The amendments made by the Amendment Regulations support the Migration Strategy intent that sufficiently skilled workers with the required duration of employment on a temporary skilled visa be able to access a clear pathway to permanent residence, for the benefit of the Australian community.

Such measures are reasonable and proportionate to ensuring that Australia's skilled migration programs continue to operate with integrity and support Australia's economic needs.

Further, Article 4 of ICESCR provides that the State may subject the rights enunciated in the ICESCR:

> *...only to such limitations as are determined by law only insofar as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in democratic society.*

The authority of the Australian Government to grant visas of a particular duration and the authority to place conditions and limitations on non-citizens in respect of those visas, including their work rights, is lawful as a matter of domestic law and has as its objectives ensuring the continued access of Australian citizens and permanent residents to paid employment and the continued integrity of Australia's migration program. The measures in the Amendment Regulations have the effect of ensuring that persons who are granted a SID visa may have that visa cancelled if their sponsoring employer has their sponsorship approval revoked due to misconduct, which may include worker exploitation or providing false and misleading information in the pursuit of a migration outcome for a skilled worker. This ensures that a business that has been found to have breached their obligations cannot continue to access the skilled visa program. Current policy settings allow visa holders an opportunity to seek a new sponsor if they are not at fault or are a victim of the sponsors failure to comply before the Department would pursue cancellation. This protects them from disadvantage based on the conduct of their employer. As such, the amendment is for the "purpose of promoting the general welfare in a democratic society" and is justified in accordance with Article 4 of ICESCR. This measure is reasonable and proportionate to achieving the legitimate aims explained above and is therefore a permissible differentiation in the exercise of the right to work by non-citizens seeking to work in Australia compared to Australian citizens and permanent residents.

The Amendment Regulations allow only sponsored employment on an eligible visa to count towards permanent residence requirements. This limits the right to work for applicants, who cannot count non-sponsored employment as work experience for the purposes of the requirements of the ENS visa TRT stream. This change incentivises applicants to remain in the employment of their approved work sponsor and helps to ensure that the salary requirements and sponsor obligations in the skilled visa programs apply to temporary skilled visa holders while they are working in Australia. As the sponsoring employer is required to comply with a range of requirements and establish a genuine need for applicant to be employed in a skilled position within their business before an eligible skilled visa

will be granted, this also helps to ensure that the work experience undertaken for a sponsoring employer is at the appropriate skill level and in the occupation claimed by the applicant. As a result of this, the permanent skilled ENS TRT visa will be accessed only by suitably skilled applicants with the required duration of work experience at the appropriate skill level. The intention for sponsored employment to count towards permanent residency requirements was also outlined in the Government's 2023 Migration Strategy. This measure is reasonable and proportionate to achieving the legitimate aims explained above and is therefore a permissible differentiation in the exercise of the right to work by non-citizens seeking to work in Australia compared to Australian citizens and permanent residents.

**Conclusion**

This Disallowable Legislative Instrument is compatible with human rights because, to the extent that it may limit human rights, those limitations are reasonable, necessary and proportionate.

**The Hon Matt Thistlethwaite**

**Assistant Minister for Immigration**

**ATTACHMENT B**

**Details of the *Migration Amendment (Skilled Visa Reform Technical Measures) Regulations 2025***

Section 1 – Name of Regulations

This section provides that the title of the Regulations is the *Migration Amendment (Skilled Visa Reform Technical Measures) Regulations 2025* (the Regulations).

Section 2 – Commencement

This section set out the times at which the various provisions of the Regulations commence.

Subsection 2(1) provides that each provision of the 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.

Table item 1 provides that the whole of this instrument commences on 29 November 2025.

The note below the table covered by subsection 2(1) makes it clear that the table relates only to the provisions of the instrument as originally made. The table will not be amended to deal with any later amendments to the instrument.

Subsection 2(2) provides that any information in column 3 of the table is not part of the instrument. Information may be inserted in this column, or information in it may be edited, in any published version of the instrument. The information in column 3 confirms the date of commencement is 29 November 2025.

Section 3 – Authority

This section provides that the instrument is made under the *Migration Act 1958* (Migration Act).

Section 4 – Schedules

This section provides that 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***

**Item [1] – Paragraph 2.43(1)(l)**

This item amends paragraph 2.43(1)(l) of the Migration Regulations to insert a reference to the Subclass 482 (Skills in Demand) visa (SID visa).

The purpose of subregulation 2.43(1) is to prescribe the grounds on which the Minister may cancel a visa for the purposes of paragraph 116(1)(g) of the Migration Act. The effect of this amendment is to ensure that the specified grounds in paragraph 2.43(1)(l), will extend to the SID visa. The specified grounds for cancelling a visa in paragraph 2.43(1)(l) relate to circumstances in which it would not be appropriate for an employer to continue sponsoring the visa holder.

This includes where:

- the sponsor has given false or misleading information;
- the sponsor has failed to satisfy a sponsorship obligation;
- the sponsor has been cancelled or barred under section 140M of the Migration Act; or
- the labour agreement has been terminated, has been suspended or has ceased.

By amending paragraph 2.43(1)(l) to include an express reference to the SID visa (as the current title for the Subclass 482 visa), this item clarifies and aligns with the Minister's existing powers to cancel a Subclass 482 (Temporary Skill Shortage) visa (TSS visa), being the predecessor to the SID visa.

**Item [2] – Subregulation 2.57(1) (sub-subparagraphs (b)(i)(A) and (ii)(C) of the definition of *primary sponsored person*)**

This item amends sub-subparagraphs 2.57(1)(b)(i)(A) and (ii)(C) of the Migration Regulations to insert a reference to the SID visa into the definition of the term ***primary sponsored person*** in relation to a party to a work agreement, or a former party to a work agreement.

Under subregulation 2.76(2) of the Migration Regulations, a work agreement must be a labour agreement, being an agreement between a party (such as a business) and the Minister, which allows that party to nominate a person for a SID visa in the Labour Agreement stream.

The effect of this item is to provide express legislative clarity that the holder of a SID visa will be a primary sponsored person where they were identified in an approved nomination by a party to a labour agreement, or a former party to a labour agreement. This aligns with the arrangements for holders of the TSS visa, which also has a Labour Agreement stream.

The definition of a primary sponsored person has particular relevance to the sponsorship obligations set out in Subdivision 2.19.1 of Part 2A of the Migration Regulations. Sponsorship obligations provide protection for sponsored workers and ensure the program is not used inappropriately.

For example, regulation 2.86 imposes an obligation to ensure primary sponsored persons work or participate in the nominated occupation, program or activity. This obligation is borne by approved work sponsors in relation to primary sponsored persons. While subregulation 2.86(2) currently refers to the SID visa, the amendment by item 2 ensures consistency between this provision and the definition of a primary sponsored person in subregulation 2.57(1) (sub-subparagraphs (b)(i)(A) and (ii)(C)).

**Item [3] – Subregulation 2.57(1) (sub-subparagraphs (b)(i)(A), (ii)(A), (iii)(C) and (iv)(C) of the definition of *secondary sponsored person*)**

This item amends sub-subparagraphs 2.57(1)(b)(i)(A), (ii)(A), (iii)(C) and (iv)(C) of the Migration Regulations to insert a reference to the SID visa into the definition of the term ***secondary sponsored person*** in relation a party to a work agreement, or a former party to a work agreement.

The effect of item 3 is to provide express legislative clarity that certain persons will be a secondary sponsored person where they are granted a SID visa on the basis of their familial relationship to the primary sponsored person. This aligns with existing arrangements for persons who are granted a TSS visa based on their familial relationship to the primary sponsored person.

Similar to item 2, the definition of a secondary sponsored person has relevance to the sponsorship obligations set out in Part 2A of the Migration Regulations. Some of these obligations extend to

secondary sponsored persons. For example, the obligation at subregulation 2.80(1) which relates to paying travel costs to enable sponsored persons to leave Australia.

**Item [4] – Sub-sub-subparagraph 2.80(5)(b)(iii)(C)(II)**

This item amends sub-sub-subparagraph 2.80(5)(b)(iii)(C)(II) to insert a reference to the SID visa.

Regulation 2.80 of the Migration Regulations relates to an obligation on approved work sponsors to pay certain travel costs to enable sponsored persons to leave Australia. The obligation is borne by approved sponsors of a TSS visa or a SID visa and extends to certain travel costs for both primary sponsored persons and secondary sponsored persons.

The obligation ends at the earliest occurrence of an event set out in paragraph 2.80(5)(b), including where the primary sponsored person departs Australia as the holder of a Subclass 020 (Bridging B) visa) and was previously the holder of a substantive visa (see paragraph 2.80(5)(b)(iii)(C)). While the specified substantive visas in paragraph 2.80(5)(b)(iii)(C)(II) includes reference to the TSS visa, there was no corresponding reference to the SID visa.

The effect of item 4 is that a reference to the SID visa is inserted, to align with existing arrangements for the TSS visa. This ensures that the obligation to pay certain travel costs ends if a primary sponsored person whose last substantive visa was a SID visa departs Australia as the holder of a Subclass 020 (Bridging B) visa which subsequently ceases to be in effect.

**Item [5] – Paragraph 4.02(4)(l)**

This item amends paragraph 4.02(4)(l) of the Migration Regulations to insert a reference to the SID visa.

Subregulation 4.02(4) sets out decisions that are reviewable migration decisions for the purposes of subsection 338(9) of the Migration Act. Subsection 338(9) provides that a decision that is prescribed for the purposes of the subsection is a reviewable migration decision – meaning an application may be made to the Administrative Review Tribunal to review the decision (see section 347 of the Migration Act).

The effect of item 5 is to specify the SID visa at paragraph 4.02(4)(l), which ensures that a decision to refuse to grant that visa is a reviewable migration decision in circumstances where the applicant for a SID visa was outside Australia at the time the application was made.

**Item [6] – Subclauses 186.227(1) and (2) of Schedule 2**

This item inserts the words ‘by an approved work sponsor’ in subclauses 186.227(1) and (2) of Schedule 2 to the Migration Regulations.

Subclauses 186.227(1) and (2) provide criteria for the grant of a Subclass 186 (Employer Nomination Scheme) visa (ENS visa) in the Temporary Residence Transition stream. This visa offers permanent residence for people who have undertaken the requisite employment experience in Australia, and who have held a sponsored temporary skilled visa for the requisite period.

Specifically, an applicant for an ENS visa in the Temporary Residence Transition stream must have held a visa specified in existing subclause 186.226(1) for at least two years in the three years prior to making an application. The SID visa is one of the specified visas (see paragraph 186.226(1)(c)).

Additionally, subclause 186.227(1) provides that during the period of 3 years immediately before the visa application is made, the applicant must have been employed in Australia in an occupation in

relation to which their sponsored temporary skilled visa was granted, for a total period of at least 2 years on a full time basis (excluding periods of unpaid leave). Subclause 186.227(2) specifies alternative periods of employment for certain occupations specified in an instrument made under subregulation 2.72(13).

The effect of the amendment made by item 6 is that the employment must also have been completed with an approved work sponsor.

This amendment aligns with the existing requirement under subclause 186.226 to have held a specified visa, noting that each of the specified visas already require sponsorship by an approved work sponsor.

## Schedule 2—Application of amendments

***Migration Regulations 1994***

**Item [1] – In the appropriate position Schedule 13**

This item inserts Part 155 into Schedule 13 of the Migration Regulations.

New clause 15501 provides definitions for terms used in this Part.

- ***amending regulations*** means the *Migration Amendment (Skilled Visa Reform Technical Measures) Regulations 2025*; and
- ***commencement day*** means the day Schedule 1 to the amending regulations commences.

New clause 15502 of Schedule 13 provides for the operation of the amendments in Schedule 1 to the Amendment Regulations.

*Amendment of paragraph 2.43(1)(l)*

Subclause 15502(1) provides that the amendments to paragraph 2.43(1)(l) allow the Minister to exercise the cancellation power in 116(1)(g) of the Migration Act, in circumstances set out by paragraph 2.43(1)(l), on or after commencement of the Regulations. The power may be exercised in relation to visas granted before, on or after commencement.

The application of this amendment to visas granted before the commencement date is necessary to ensure that the Minister is not prevented from cancelling a visa in the prescribed circumstances for the sole reason that the applicant held a SID visa granted before 29 November 2025, noting that the unamended provision already enables cancellation of a TSS visa in equivalent circumstances.

*Amendments of the definitions of primary sponsored person and secondary sponsored person*

Subclause 15502(2) provides that the amendments to the definition of primary sponsored person in subregulation 2.57(1) (sub-subparagraphs (b)(i)(A) and (ii)(C)) and the amendments to secondary sponsored person in subregulation 2.57(1) (sub-subparagraphs (b)(i)(A), (ii)(A), (iii)(C) and (iv)(C)) each apply to visas granted before, on or after the commencement of the Regulations.

Application of the amendment to visas granted before commencement does not alter the rights or privileges of those granted a visa before that date. The definition of primary sponsored person and secondary sponsored person are necessary to define the extent of sponsorship obligations set out at Part 2A of the Migration Regulations. As the SID visa is already specified in each of these obligations, the amendments to the definition are for consistency.

*Amendment of paragraph 4.02(4)(l)*

Subclause 15502(3) provides that the amendment to paragraph 4.02(4)(l) applies to decisions to refuse a visa made on or after the commencement of the Regulations, irrespective of whether the application that is refused was made before, on or after the commencement date.

The application of this amendment beneficially alters the rights of those who applied for a SID visa prior to commencement of the amendment, by more clearly specifying that the refusal of that application is eligible for review.

*Amendments of clause 186.227 of Schedule 2*

Subclause 15502(4) provides that the amendments to subclauses 186.227(1) and (2) of Schedule 2 applies to applications for an ENS visa in the Temporary Residence Transition stream made on or after commencement of the Regulations. This ensures that applications made before that date are not assessed against criteria that did not exist at the time the application was made.