



Migration Amendment (2025 Measures No. 1) Regulations 2025

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 11 December 2025

Sam Mostyn AC
Governor-General

By Her Excellency's Command

Tony Burke
Minister for Home Affairs

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1 Name

This instrument is the *Migration Amendment (2025 Measures No. 1) Regulations 2025*.

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.	12 December 2025

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Migration Regulations 1994

1 After Division 5.3B of Part 5

Insert:

Division 5.3C—Prohibited employers

5.19P Migrant worker sanctions—offences against the *Fair Work Act 2009* etc.

For the purposes of subsection 245AYF(3) of the Act:

- (a) an offence against subsection 327A(1) of the *Fair Work Act 2009* is prescribed; and
- (b) any non-citizen (other than the holder of a permanent visa) is a prescribed person in relation to an offence of that kind.

Part 2—Resolution of Status (Class CD) visas

Migration Regulations 1994

2 After subregulation 2.07AQ(3A)

Insert:

- (3B) The Minister, an officer of the Department or another person may collect, use and disclose personal information for the purposes of informing:
- (a) a decision by the Minister whether to issue a certificate of the kind mentioned in subregulation (3A) in relation to a person; or
 - (b) a decision by the Australian Government whether or not to make an offer of a permanent stay in Australia to a person:
 - (i) in relation to whom the Minister has issued such a certificate; or
 - (ii) for whom, by reason of the High Court's decision in *Love v Commonwealth; Thoms v Commonwealth* (2020) 270 CLR 152, the fact mentioned in subparagraph (3A)(a)(i) or (ii) exists.

Part 3—Prescribed penalties

Migration Regulations 1994

3 Paragraph 5.20(2)(a)

Omit “\$3 000”, substitute “12 penalty units”.

4 Paragraph 5.20(2)(b)

Omit “\$5 000”, substitute “25 penalty units”.

Part 4—Amendments relating to Bridging R (Class WR) visas

Migration Regulations 1994

5 After regulation 2.08G

Insert:

2.08H Validity of visa applications by current and former Bridging R (Class WR) visa holders

- (1) For the purposes of subsection 46(3) of the Act, the following criteria must be satisfied for an application for a visa of the class of visas specified by subregulation (2) to be a valid application:
 - (a) the person in respect of whom the application is made does not hold a Bridging R (Class WR) visa at the time of application;
 - (b) the person in respect of whom the application is made is not, at the time of application, an unlawful non-citizen:
 - (i) whose most recently held visa was a Bridging R (Class WR) visa; and
 - (ii) who has been, or is taken to have been, continuously in the migration zone since that visa ceased to be in effect.
- (2) For the purposes of subregulation (1), this subregulation specifies:
 - (a) all prescribed classes of visa; and
 - (b) to the extent a visa is not covered by paragraph (a)—a visa mentioned in subsection 31(2) of the Act for which an application may be made; except the following classes of visa:
 - (c) a protection visa;
 - (d) a Bridging R (Class WR) visa.

Note 1: For paragraph (2)(a), subsection 31(1) of the Act provides that there are to be prescribed classes of visas, and subregulation 2.01(1) of these regulations prescribes those classes of visas.

Note 2: A person may be prevented from applying for a protection visa because of section 48A of the Act.

6 Regulation 2.12AA

Repeal the regulation.

7 Before paragraph 2.25AD(1)(a)

Insert:

- (aa) condition 8612;
- (ab) condition 8615;

8 At the end of subregulation 2.25AD(1)

Add:

- ; (e) condition 8622;
- (f) condition 8623;
- (g) condition 8624;
- (h) condition 8626.

9 Before paragraph 2.25AE(1)(a)

Insert:

- (aa) condition 8612;
- (ab) condition 8615;

10 At the end of subregulation 2.25AE(1)

Add:

- ; (e) condition 8622;
- (f) condition 8623;
- (g) condition 8624;
- (h) condition 8626.

11 At the end of Division 2.5 of Part 2

Add:

2.25AF Suspension of certain visa conditions

- (1) This regulation applies if non-citizen holds a Subclass 070 (Bridging (Removal Pending)) visa that is subject to one or more of the following conditions (each a **community safety condition**):
 - (a) condition 8401;
 - (b) condition 8620;
 - (c) condition 8621;
 - (d) condition 8623.

Suspension of visa conditions—period of arrest or custody

- (2) During any period (the **suspension period**) in which the holder is under arrest or detained in custody, the visa is taken not to be subject to the community safety condition.
- (3) A visa holder is taken to be detained in custody if:
 - (a) the holder is detained in custody under a law of the Commonwealth, a State or Territory; and
 - (b) the detention is in a prison, lock-up, remand centre, secure medical facility or like facility.

Suspension of visa conditions—period of admission as in-patient

- (4) During any period (the **suspension period**) in which the holder is admitted as an in-patient to receive treatment at a public or private hospital, registered mental health facility or other registered medical facility, the visa is taken not to be subject to the community safety condition.

Relationship with regulation 2.25AE

- (5) If:
 - (a) under regulation 2.25AE, a Subclass 070 (Bridging (Removal Pending)) visa is subject to a community safety condition for a period of 12 months from the day the visa is granted; and
 - (b) under this regulation, the visa is taken not to be subject to a community safety condition for a suspension period;

the suspension period does not affect the expiry of the 12 month period mentioned in paragraph (a).

12 Clause 070.111 of Schedule 2

Insert:

vulnerable person means a person who:

- (a) is at least 18; and
- (b) has a disability.

13 Clauses 070.612A and 070.612B of Schedule 2

Repeal the clauses, substitute:

070.612A

(1) In this clause, each of the following conditions is a **community protection condition**:

- (a) condition 8617;
- (b) condition 8618;
- (c) condition 8612;
- (d) condition 8615;
- (e) condition 8626;
- (f) condition 8622;
- (g) condition 8623;
- (h) condition 8624;
- (i) condition 8621;
- (j) condition 8620.

Note: The order in which the community protection conditions are listed is intentional: see subclause (3).

(2) The Minister must impose a community protection condition if:

- (a) subclause (6) applies to the visa; and
- (b) despite the other conditions imposed on the visa by or under this subclause or another provision of this Division, the Minister is satisfied on the balance of probabilities that the holder poses a substantial risk of seriously harming any part of the Australian community by committing a serious offence; and
- (c) the Minister is satisfied on the balance of probabilities that the imposition of the condition (in addition to the other conditions imposed by or under this subclause or another provision of this Division) is:
 - (i) reasonably necessary; and
 - (ii) reasonably appropriate and adapted;for the purpose of protecting any part of the Australian community from serious harm by addressing that substantial risk; and
- (d) for condition 8612, 8615, 8626, 8622 or 8623—the holder has been convicted of any one or more of the following offences:
 - (i) an offence in which the victim was a minor or vulnerable person;
 - (ii) an offence involving production, publication, possession, supply or sale of, or other dealing in, child abuse material (within the meaning of Part 10.6 of the *Criminal Code*);

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- (iii) an offence that involves consenting to or procuring the employment of a child, or employing a child, in connection with material referred to in subparagraph (ii);
- (iv) an offence that involves acts done in preparation for, or to facilitate, the commission of a sexual offence against a person under 16; and
- (e) for condition 8624—the holder has been convicted of an offence involving violence or sexual assault.

Note: See regulation 2.25AE for the period for which the visa is subject to a community protection condition (if imposed).

- (3) Subject to subclause (4), the order in which the community protection conditions are listed in subclause (1) is the order in which the Minister must decide whether or not to impose the condition on the visa.

Note: The order in which the conditions are listed in subclause (1) is also the order required for the purposes of subsection 76E(4A) of the Act.

- (4) The Minister is not required to consider whether to impose a community protection condition mentioned in paragraph (2)(d) or (e) unless the holder has been convicted of an offence mentioned in that paragraph that requires the imposition of the condition.

Note: For example, if the holder has not been convicted of an offence mentioned in paragraph (2)(d), the Minister:

- (a) must not impose community protection condition 8612, 8615, 8626, 8622 or 8623; and
- (b) is not required to consider whether or not to impose such a condition.

- (5) Community protection conditions imposed by or under this clause are in addition to any other condition imposed by or under another provision of this Division.

- (6) This subclause applies to a visa if:

- (a) the visa was granted under regulation 2.25AA and, at the time of grant, there was no real prospect of the removal of the holder from Australia becoming practicable in the reasonably foreseeable future; or
- (b) the visa was granted under regulation 2.25AB; or
- (c) the visa was granted under section 195A of the Act.

- (7) Nothing in this clause requires the Minister to decide whether or not to impose a community protection condition if the visa must, under subsection 76E(4) of the Act, be granted without it being subject to that condition.

14 At the end of clause 8401 of Schedule 8

Add:

Note: Under regulation 2.25AF, a visa is taken to not be subject to this condition during any period in which the visa holder is:

- (a) under arrest or detained in custody; or
- (b) admitted as an in-patient to receive treatment at a public or private hospital, registered mental health facility or other registered medical facility.

15 Clause 8612 of Schedule 8

Omit “If the holder has been convicted of an offence involving a minor or any other vulnerable person, the holder”, substitute “The holder”.

16 Subclause 8615(1) of Schedule 8

Omit “If the holder has been convicted of an offence involving a minor or any other vulnerable person, the holder must”, substitute “The holder must”.

17 Paragraph 8615(1)(a) of Schedule 8

Omit “any other vulnerable persons”, substitute “vulnerable persons (within the meaning of Part 070 of Schedule 2)”.

18 At the end of clauses 8620 and 8621 of Schedule 8

Add:

- Note: Under regulation 2.25AF, a visa is taken to not be subject to this condition during any period in which the visa holder is:
- (a) under arrest or detained in custody; or
 - (b) admitted as an in-patient to receive treatment at a public or private hospital, registered mental health facility or other registered medical facility.

19 Subclause 8622(1) of Schedule 8

Repeal the subclause, substitute:

- (1) The holder must not perform any work, or participate in any regular organised activity, involving more than incidental contact with a minor or vulnerable person (within the meaning of Part 070 of Schedule 2).

20 Clause 8623 of Schedule 8

Omit “If the holder has been convicted of an offence that involves a minor or any other vulnerable person, the holder”, substitute “The holder”.

21 Clause 8623 of Schedule 8

Omit “200”, substitute “50”.

22 Clause 8624 of Schedule 8

Before “If the”, insert “(1)”.

23 Clause 8624 of Schedule 8

Omit “If the holder has been convicted of an offence involving violence or sexual assault, the holder”, substitute “The holder”.

24 At the end of clause 8624 of Schedule 8

Add:

- (2) In this clause:

member of the victim’s family includes, without limitation, each of the following:

- (a) a spouse or de facto partner of the victim;
- (b) a parent or guardian of the victim;
- (c) a child of the victim;
- (d) a sibling of the victim.

Schedule 1 Amendments

Part 4 Amendments relating to Bridging R (Class WR) visas

25 Clause 8626 of Schedule 8

Omit “If the holder has been convicted of an offence involving a minor or any other vulnerable person, the holder”, substitute “The holder”.

Part 5—Operation of amendments

Migration Regulations 1994

26 In the appropriate position in Schedule 13

Insert:

Part 156—Amendments made by the Migration Amendment (2025 Measures No. 1) Regulations 2025

15601 Definitions

In this Part:

amending regulations means the *Migration Amendment (2025 Measures No. 1) Regulations 2025*.

commencement day means the day the amending regulations commence.

15602 Use and disclosure of information

Subregulation 2.07AQ(3B), as inserted by Part 2 of Schedule 1 to the amending regulations, authorises the use and disclosure of information whether the information was collected before or after the commencement of that subregulation.

15603 Validity of visa applications by current and former Bridging R (Class WR) visa holders

Regulation 2.08H, as inserted by Part 4 of Schedule 1 to the amending regulations, applies:

- (a) in relation to an application for a visa made on or after the commencement of that Part; and
- (b) regardless of whether the Bridging R (Class WR) visa mentioned in subregulation 2.08H(1) was granted before, on or after that commencement.

15604 Section 76E of the Act—additional prescribed conditions

Additional prescribed conditions

- (1) This clause applies in relation to the amendments of subregulation 2.25AD(1) made by Part 4 of Schedule 1 to the amending regulations to prescribe the following conditions (the *additional prescribed conditions*) for the purposes of subsection 76E(1) of the Act:
 - (a) condition 8612;
 - (b) condition 8615;
 - (c) condition 8622;
 - (d) condition 8623;
 - (e) condition 8624;
 - (f) condition 8626.

Visas granted on or after commencement day

- (2) Section 76E of the Act applies in relation to visas granted on or after the commencement day that are subject to one or more additional prescribed conditions.

Visas granted before commencement day

- (3) If:
- (a) a Subclass 070 (Bridging (Removal Pending)) Visa was granted to a non-citizen before the commencement day; and
 - (b) the visa was subject to one or more of the additional prescribed conditions at the commencement day;
- section 76E of the Act does not apply in relation to the additional prescribed condition.
- (4) However, on and after the commencement day, the Minister may administer the visa as if the additional prescribed condition had been imposed under clause 070.612A, as substituted by Part 4 of Schedule 1 to the amending regulations.

15605 Period for which certain conditions are imposed on Subclass 070 (Bridging (Removal Pending)) visa

Visas granted on or after commencement day

- (1) Subject to subclauses (2) and (3), the amendments of subregulation 2.25AE(1) made by Part 4 of Schedule 1 to the amending regulations apply in relation to a Subclass 070 (Bridging (Removal Pending)) visa that is granted on or after the commencement day.

Visas granted before commencement day

- (2) Subclause (3) applies if, at the commencement day:
- (a) a person holds a Subclass 070 (Bridging (Removal Pending)) visa that is subject to any one or more of the following conditions:
 - (i) condition 8612;
 - (ii) condition 8615;
 - (iii) condition 8622;
 - (iv) condition 8623;
 - (v) condition 8624;
 - (vi) condition 8626; and
 - (b) the visa does not specify a period for which the visa is subject to the condition.
- (3) For the purposes of regulation 2.25AE, as amended by Part 4 of Schedule 1 to the amending regulations, the visa is taken to be subject to the condition for a period of 12 months beginning on the commencement day.

15606 Suspension of certain visa conditions

Regulation 2.25AF, as inserted by Part 4 of Schedule 1 to the amending regulations, applies in relation to a Subclass 070 (Bridging (Removal Pending))

visa that is subject to a community safety condition (within the meaning of subregulation 2.25AF(1)) whether the visa is granted before, on or after the commencement day.

15607 Amendment of condition 8623

The amendment of condition 8623 by Part 4 of Schedule 1 to the amending regulations applies in relation to a visa that is subject to that condition, whether the visa is granted before, on or after the commencement day.