



Statutory Rules 1993 No. 218¹

Migration (1993) Regulations² (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Migration Act 1958*.

Dated 10 August 1993.

BILL HAYDEN
Governor-General

By His Excellency's Command,

NICK BOLKUS
Minister for Immigration and Ethnic Affairs

1. Commencement

1.1 Regulation 8 and subregulations 10.1 to 10.4 (inclusive) are taken to have commenced on 1 February 1993.

1.2 Regulation 19 is taken to have commenced on 12 February 1993.

1.3 Subregulations 14.1 to 14.4 (inclusive) are taken to have commenced on 15 June 1993.

[NOTE: The remainder of these Regulations commence on gazettal: see *Acts Interpretation Act 1901*, s. 48.]

2. Amendment

2.1 The Migration (1993) Regulations are amended as set out in these Regulations.

3. Regulation 1.3 (Interpretation)

3.1 Definition of “special need relative”:

Paragraph (b):

Omit the paragraph, substitute:

“(b) the assistance:

- (i) cannot reasonably be obtained from any other relative of the citizen or resident, being a relative who is an Australian citizen or an Australian permanent resident; and
- (ii) cannot reasonably be obtained from welfare, hospital, nursing or community services in Australia.”.

4. Regulation 7.8AA (Prescribed evidence (paragraph 4 (1A) (b) of the Act)

4.1 After paragraph 7.8AA (e), insert:

“(ea) evidence that the person has been assessed as having functional English by the provider of a course that is an approved English course for the purposes of section 4 of the *Immigration (Education) Act 1971*.”.

5. Regulation 7.16 (Section 76 of Act—prescribed penalty)

5.1 Omit the regulation, substitute:

Prescribed penalties—sections 50D and 76 of the Act

“7.16 (1) For the purposes of paragraph 181 (1) (ja) of the Act, the prescribed penalty for an offence against section 50D of the Act is:

- (a) in the case of a failure by a person to supply the person’s address—\$250; or
- (b) in any other case—\$1,000.

“(2) For the purposes of paragraph 181 (1) (j) of the Act, the prescribed penalty for an offence against section 76 of the Act is \$1,000.”.

6. Regulation 7.17 (Infringement notices—contraventions of sections 50D and 76 of the Act)

6.1 Subregulation 7.17 (1) (definition of “carrier offence”):

Omit the definition, substitute:

“**‘business permit’** and **‘business visa’** have the same respective meanings as in section 50D of the Act;

‘expiable offence’ means a contravention of section 50D or 76 of the Act.”.

6.2 After subregulation 7.17 (1), insert:

“(1A) In this regulation, a reference to a prescribed penalty is a reference to:

- (a) in relation to a contravention, or alleged contravention, of section 50D—the penalty prescribed by subregulation 7.16 (1) for an offence or alleged offence of the same kind as the offence or alleged offence; and
- (b) in relation to a contravention, or alleged contravention, of section 76 of the Act—the penalty prescribed by subregulation 7.16 (2).”.

6.3 Subregulation 7.17 (2):

Omit “a carrier”, substitute “an expiable”.

6.4 Paragraphs 7.17 (3) (b):

Omit the paragraph, substitute:

“(b) set out:

- (i) the day on which the expiable offence is alleged to have been committed; and
- (ii) if it is an offence against section 76 of the Act, the place at which the expiable offence is alleged to have been committed;”.

6.5 Paragraphs 7.17 (3) (c) and (d):
Omit “carrier”, substitute “expiable”.

6.6 Paragraph 7.17 (5) (b):
Omit “subject to subregulation (6),”.

6.7 Subregulation 7.17 (6):
Omit the subregulation, substitute:

“(6) An infringement notice in relation to an alleged offence against section 76 of the Act must not be withdrawn under subregulation (5) after the expiry of 3 calendar months commencing on the day on which the notice was served.”.

6.8 Subregulation 7.17 (7):
Omit “carrier” (wherever occurring), substitute “expiable”.

6.9 Subregulation 7.17 (9):
Omit “a carrier”, substitute “an expiable”.

6.10 Subregulation 7.17 (12):
Omit “carrier”, substitute “expiable”.

7. Schedule 2, Chapter 1.1 (Migrant visas and entry permits)

7.1 Subdivision 100.12:
Omit the Subdivision, substitute:

“**100.12 Purpose of grant to primary persons:** To authorise travel to, and permanent residence in, Australia by certain spouses of Australian citizens or Australian permanent residents.”.

7.2 Paragraph 100.321 (3) (b):
Omit “Part VA of the *Marriage Act 1961* as applied by”.

7.3 Subclause 100.321 (3) (note):
Omit the note, substitute:

“[NOTE: If the applicant is an applicant referred to in subclause 100.321 (3), the marriage must have taken place before the applicant can be granted a visa of this class: see clause 100.332.]”.

7.4 Subdivision 101.12:

Omit the Subdivision, substitute:

“**101.12 Purpose of grant to primary persons:** To authorise travel to, and permanent residence in Australia by, certain children of Australian citizens or Australian permanent residents.”.

7.5 Clause 101.333:

Omit “meets”, substitute “satisfies”.

7.6 Clause 101.336:

After “101.336”, insert “(1)”.

7.7 After clause 101.337, insert:

“101.338 The applicant continues to satisfy the criterion specified in clause 101.321.”.

7.8 Subdivision 102.12:

Omit the Subdivision, substitute:

“**102.12 Purpose of grant to primary persons:** To authorise travel to, and permanent residence in Australia by, certain children adopted, or for adoption, by Australian citizens or Australian permanent residents.”.

7.9 After clause 102.336, insert :

“102.337 The applicant continues to satisfy the criterion specified in clause 102.321.”.

7.10 Subdivision 103.12:

Omit the Subdivision, substitute:

“**103.12 Purpose of grant to primary persons:** To authorise travel to, and permanent residence in, Australia by certain persons who are parents of Australian citizens or Australian permanent residents.”.

7.11 Subdivision 104.12:

Omit the Subdivision, substitute:

“104.12 Purpose of grant to primary persons: To authorise travel to, and permanent residence in, Australia by certain aged dependent relatives, orphan relatives, remaining relatives and special need relatives of Australian citizens or Australian permanent residents.”.

7.12 After clause 104.336, insert:

“104.337 The sponsorship referred to in paragraph 104.321 (2) (b) or 104.321 (3) (b), as the case requires, has been approved by the Minister and is still in force.

“104.338 If the applicant is an orphan relative, the Minister is satisfied that the grant of the visa would not prejudice the rights and interests of any person who has custody or guardianship of, or access to, the applicant.”.

7.13 Subdivision 105.12:

Omit the Subdivision, substitute:

“105.12 Purpose of grant to primary persons: To authorise travel to, and permanent residence in, Australia by certain persons who are brothers, sisters, nieces, nephews, working age parents and non-dependent children of Australian citizens or Australian permanent residents.”.

7.14 Paragraph 105.321 (a):

Omit “person who”, substitute “person who has turned 18 and”.

7.15 Clause 105.331:

Omit “is still in force”, substitute “has been approved by the Minister and is still in force”.

8. Schedule 2, Chapter 1.2 (Permanent resident (after entry) entry permits)

8.1 Subclause 801.711(1):

Omit “subclause (2)”, substitute “subclauses (2) and (3)”.

8.2 Clause 801.711:

Add at the end:

“(3) If:

- (a) an applicant declares in an application for a Class 801 entry permit that he or she has a dependent child outside Australia; and
- (b) that child subsequently:
 - (i) is granted a Class 820 visa as the dependent child of that applicant; and
 - (ii) uses that visa to travel to Australia;

entry by the child as the holder of the resultant Class 820 entry permit is taken to be application by the child for a Class 801 entry permit.”.

8.3 Subclause 801.732 (9):

Omit the subclause, substitute:

“(9) An applicant meets the requirements of this subclause if:

- (a) the applicant is the holder of a Class 820 entry permit granted on the basis that the applicant was the dependent child of another person who was the holder of a Class 820 visa or entry permit; and
- (b) that other person has been granted a Class 801 entry permit; and
- (c) the Minister is satisfied that the grant of the entry permit to the applicant would not prejudice the rights and interests of any person who has, or may reasonably be expected to have, custody or guardianship of, or access to, the applicant.”.

8.4 Subclause 801.732 (11):

Add at the end:

“; or

- (d) approving the grant of a Class 801 entry permit to an applicant who meets the requirements of subclause (5) or (6).”.

8.5 Subclause 801.821:

After paragraph (b), insert:

“(ba) application that is taken to have been made under subclause 801.711 (3): Nil;”.

8.6 Paragraphs 805.723 (1) (e) and (f):

Omit the paragraphs, substitute:

“(e) a person who:

(i) has held a Group 2.6 (refugee and humanitarian (temporary entry)) entry permit, or 2 or more entry permits in that Group, permitting temporary residence in Australia for an aggregate period of more than 12 months; and

(ii) is the holder of an entry permit referred to in subparagraph (i).”.

8.7 Clause 814.711:

Omit the clause, substitute:

“814.711 (1) Subject to subclauses (2) and (3), the application must be made in accordance with approved form 887.

“(2) An application by a person who is applying as the dependent child of an applicant for a Class 814 entry permit may be combined with, and made at the same time as, the application by that other applicant.

“(3) If:

(a) an applicant declares in an application for a Class 814 entry permit that he or she has a dependent child outside Australia; and

(b) that child subsequently:

(i) is granted a Class 826 visa as the dependent child of that applicant; and

(ii) uses that visa to travel to Australia;

entry by the child as the holder of the resultant Class 826 entry permit is taken to be application by the child for a Class 814 entry permit.”.

8.8 Paragraphs 814.732 (5) (a) and (b):

Omit the paragraphs, substitute:

- “(a) the applicant is the holder of a Class 826 entry permit granted on the basis that the applicant was the dependent child of another person who was the holder of a Class 826 visa or entry permit; and
- (b) that other person has been granted a Class 814 entry permit; and”.

8.9 Subclause 814.732 (6):

Omit the subclause, substitute:

- “(6) Nothing in paragraph (2) (e) prevents the Minister from:
 - (a) refusing to grant a Class 814 entry permit; or
 - (b) approving the grant of a Class 814 entry permit to an applicant who meets the requirements of subclause (4);less than 2 years after the application is made.”.

8.10 Subclause 814.821:

After paragraph (a), insert:

- “(aa) application that is taken to have been made under subclause 814.711 (3): Nil;”.

9. Schedule 2, Chapter 2.1 (Temporary resident visas and entry permits)

9.1 Clause 418.336:

Omit “418.324”, substitute “418.325”.

9.2 Clauses 410.711, 411.711, 412.711, 413.711, 414.711, 415.711, 416.711, 417.711, 418.711, 419.711, 420.711, 421.711, 422.711, 423.711, 424.711, 425.711, 426.711, 427.711, 428.711, 430.711, 432.711 and 442.711(note):

Omit “subsection 24 (1)”, substitute “subsection 34 (1)”.

10. Schedule 2, Chapter 2.2 (Student visas and entry permits)

10.1 After paragraph 560.721 (1) (c), insert:

“(ca) the holder of a Class 995 (diplomatic) visa as the spouse or dependant relative of a diplomatic or consular representative in Australia of another country; or”.

10.2 Paragraph 560.721 (3) (a):

Omit the paragraph, substitute:

“(a) became an illegal entrant upon the expiry of an entry permit, held by the applicant, of one of the following groups or classes:

- (i) Group 2.1 (temporary resident) (other than Class 426 (domestic worker (diplomatic or consular)));
- (ii) Group 2.2 (student);
- (iii) Group 2.3 (visitor);
- (iv) Group 2.4 (visitor (short stay));
- (v) Class 773 (border); and”.

10.3 After paragraph 561.721 (1) (c), insert:

“(ca) the holder of a Class 995 (diplomatic) visa as the spouse or dependant relative of a diplomatic or consular representative of a country other than Australia; or”.

10.4 Paragraph 561.721 (3) (a):

Omit the paragraph, substitute:

“(a) became an illegal entrant upon the expiry of an entry permit, held by the applicant, of one of the following groups or classes:

- (i) Group 2.1 (temporary resident) (other than Class 426 (domestic worker (diplomatic or consular)));
- (ii) Group 2.2 (student);
- (iii) Group 2.3 (visitor);
- (iv) Group 2.4 (visitor (short stay));
- (v) Class 773 (border); and”.

10.5 Paragraph 561.822 (b):

Omit the paragraph, substitute:

“(b) application made by a person who, at the time of application, was the holder of a Group 2.2 (student) entry permit: \$50;”.

11. Schedule 2, Chapter 2.3 (Visitor visas and entry permits)

11.1 Subdivision 680.12:

Omit the Subdivision, substitute:

“680.12 Purpose of grant: To authorise visits of limited duration to Australia for the purposes of tourism by persons who seek to enter Australia for longer than 3 months.”.

11.2 Clause 680.521:

Omit “(exceeding 3 months)”.

11.3 Clause 680.522:

Omit “(exceeding 3 months)”.

11.4 Clause 680.733:

Omit the clause, substitute:

“680.733 If, at the time of application, the applicant was the holder of a Class 417 (working holiday) entry permit, the applicant establishes that exceptional reasons exist for the grant of the entry permit.”.

11.5 Clause 680.737:

Omit “visa”, substitute “entry permit”.

11.6 Subdivision 682.12:

Omit the Subdivision, substitute:

“682.12 Purpose of grant: To authorise visits of limited duration to Australia for business purposes by persons who seek to enter Australia for longer than 3 months.”.

11.7 Clause 682.521:

Omit “(exceeding 3 months)”.

11.8 Clause 682.522:

Omit “(exceeding 3 months)”.

11.9 Clauses 682.733:

Omit the clause, substitute:

“682.733 If, at the time of application, the applicant was the holder of a Class 417 (working holiday) entry permit, the applicant establishes that exceptional reasons exist for the grant of the entry permit.”.

11.10 Paragraph 682.734 (b):

Omit “for the purposes of genuine tourism.”, substitute “to complete business negotiations or arrangements.”.

11.11 Division 683.12:

Omit the Subdivision, substitute:

“683.12 Purpose of grant: To authorise visits of limited duration to Australia to visit close personal relatives who are Australian citizens or Australian permanent residents by persons who seek to enter Australia for longer than 3 months.”.

11.12 Clause 683.521:

Omit “(exceeding 3 months)”.

11.13 Clause 683.522:

Omit “(exceeding 3 months)”.

11.14 Clause 683.733 and 683.734:

Omit the clauses, substitute:

“683.733 If, at the time of application, the applicant was the holder of a Class 417 (working holiday) entry permit, the applicant establishes that exceptional reasons exist for the grant of the entry permit.

“683.734 If, at the time of application, the applicant was the holder of a Group 2.3 (visitor) entry permit, or a Group 2.4 (visitor (short stay)) entry permit, the applicant establishes that there are compelling personal reasons for seeking a further period of stay in Australia.”.

11.15 Clause 683.737:

Omit “visa”, substitute “entry permit”.

11.16 Division 684.12:

Omit the Subdivision, substitute:

“684.12 Purpose of grant: To authorise visits of limited duration to Australia by certain persons who do not qualify for other Group 2.3 visas and entry permits and seek to enter Australia for longer than 3 months.”.

11.17 Subclause 684.321 (1):

Omit “(4), (5) or (6).”, substitute “(4) or (5).”.

11.18 Paragraph 684.321 (3) (b):

Omit the paragraph, substitute:

“(b) seeks to travel to Australia to visit that student.”.

11.19 Subclause 684.321 (6):

Omit the subclause.

11.20 Clause 684.521:

Omit “(exceeding 3 months)”.

11.21 Clause 684.522:

Omit “(exceeding 3 months)”.

11.22 Paragraph 684.731 (2) (b):

Omit the paragraph.

11.23 Subclause 684.731 (4):

Omit the subclause, substitute:

“(4) If, at the time of application, the applicant was the holder of a Class 417 (working holiday) entry permit, the applicant establishes that exceptional reasons exist for seeking a further stay in Australia.”.

11.24 Clause 684.735:

Omit “visa”, substitute “entry permit”.

11.25 Subdivision 685.12:

Omit the Subdivision, substitute:

“685.12 Purpose of grant: To authorise visits of limited duration to Australia for medical treatment, or for related purposes, by persons who seek to enter Australia for longer than 3 months.”.

11.26 Clause 685.521:

Omit “(exceeding 3 months)”.

11.27 Clause 685.522:

Omit “(exceeding 3 months)”.

12. Schedule 2, Chapter 2.4 (Visitor (short stay) visas and entry permits)

12.1 Clause 670.721:

Omit the clause, substitute:

“670.721 The applicant is:

- (a) the holder of a Group 2.1 (temporary resident) entry permit other than a Class 426 (domestic worker (diplomatic or consular)) entry permit; or
- (b) the holder of an entry permit of any of the following groups:
 - (i) Group 2.2 (student); or
 - (ii) Group 2.3 (visitor); or

- (iii) Group 2.4 (visitor (short stay)); or
- (c) the holder of a Class 773 (border) entry permit; or
- (d) an illegal entrant who:
 - (i) immediately before becoming an illegal entrant, was a person of a kind specified in any of the preceding paragraphs of this clause; and
 - (ii) satisfies additional criteria 6001, 6002, 6003, 6005 and 6006.”.

12.2 Clause 670.735:

Omit “The applicant:”, substitute “If, at the time of application, the applicant was the holder of a Group 2.3 (visitor) entry permit or of a Group 2.4 (visitor (short stay)) entry permit, the applicant:”.

12.3 Clause 670.736:

Omit “visa”, substitute “entry permit”.

12.4 After clause 670.736, insert:

“670.737 If, at the time of application, the applicant was:

- (a) the holder, as a primary person, of a Group 2.2 (student) entry permit; and
- (b) an assisted student (other than a student described in paragraph (a) of the definition of ‘assisted student’ in regulation 1.3);

the applicant has the support of AIDAB for the grant of the entry permit.

“670.738 If, at the time of application, the applicant was the holder of a Class 417 (working holiday) entry permit, the applicant establishes that exceptional reasons exist for the grant of the entry permit.”.

12.5 Clause 672.721:

Omit the clause, substitute:

“672.721 The applicant is:

- (a) the holder of a Group 2.1 (temporary resident) entry permit other than a Class 426 (domestic worker (diplomatic or consular) entry permit; or
- (b) the holder of an entry permit of any of the following groups:
 - (i) Group 2.2 (student); or
 - (ii) Group 2.3 (visitor); or
 - (iii) Group 2.4 (visitor (short stay)); or
- (c) the holder of a Class 773 (border) entry permit; or
- (d) an illegal entrant who:
 - (i) immediately before becoming an illegal entrant, was a person of a kind specified in any of the preceding paragraphs of this clause; and
 - (ii) satisfies additional criteria 6001, 6002, 6003, 6005 and 6006.”.

12.6 Clause numbered 670.724 following clause 672.723:

Omit “670.724”, substitute “672.724”.

12.7 Clause 672.735:

Omit the clause, substitute:

“672.735 If, at the time of application, the applicant was the holder of a Group 2.3 (visitor) entry permit or of a Group 2.4 (visitor (short stay)) entry permit, the applicant establishes that:

- (a) there are compelling personal reasons for seeking a further period of stay in Australia; or
- (b) a further period of stay in Australia is necessary to complete business negotiations or arrangements.

“672.736 If, at the time of application, the applicant was:

- (a) the holder, as a primary person, of a Group 2.2 (student) entry permit; and

- (b) an assisted student (other than a student described in paragraph (a) of the definition of ‘assisted student’ in regulation 1.3);

the applicant has the support of AIDAB for the grant of the entry permit.

“672.737 If, at the time of application, the applicant was the holder of a Class 417 (working holiday) entry permit, the applicant establishes that exceptional reasons exist for the grant of the entry permit.”.

12.8 Clause 673.721:

Omit the clause, substitute:

“673.721 The applicant is:

- (a) the holder of a Group 2.1 (temporary resident) entry permit other than a Class 426 (domestic worker (diplomatic or consular)) entry permit; or
- (b) the holder of an entry permit of any of the following groups:
 - (i) Group 2.2 (student); or
 - (ii) Group 2.3 (visitor); or
 - (iii) Group 2.4 (visitor (short stay)); or
- (c) the holder of a Class 773 (border) entry permit; or
- (d) an illegal entrant who:
 - (i) immediately before becoming an illegal entrant, was a person of a kind specified in any of the preceding paragraphs of this clause; and
 - (ii) satisfies additional criteria 6001, 6002, 6003, 6005 and 6006.”.

12.9 Clause 673.735:

Omit “visa”, substitute “entry permit”.

12.10 Clause 673.736:

Omit the clause, substitute:

“673.736 If, at the time of application, the applicant was the holder of a Group 2.3 (visitor) entry permit or a Group 2.4 (visitor (short stay)) entry permit, the applicant establishes that there are compelling personal reasons for seeking a further period of stay in Australia.

“673.737 If, at the time of application, the applicant was:

- (a) the holder, as a primary person, of a Group 2.2 (student) entry permit; and
- (b) an assisted student (other than a student described in paragraph (a) of the definition of ‘assisted student’ in regulation 1.3);

the applicant has the support of AIDAB for the grant of the entry permit.

“673.738 If, at the time of application, the applicant was the holder of a Class 417 (working holiday) entry permit, the applicant establishes that exceptional reasons exist for the grant of the entry permit.”.

12.11 Subclause 674.321 (1):

Omit “(3), (4) or (5)”, substitute “(3) or (4)”.

12.12 Paragraph 674.321 (3) (b):

Omit the paragraph, substitute:

“(b) seeks to travel to Australia to visit that student.”.

12.13 Subclause 674.321 (5):

Omit the subclause.

12.14 Clause 674.721:

Omit the clause, substitute:

“674.721 The applicant is:

- (a) the holder of a Group 2.1 (temporary resident) entry permit other than a Class 426 (domestic worker (diplomatic or consular)) entry permit; or
- (b) the holder of an entry permit of any of the following groups:
 - (i) Group 2.2 (student); or
 - (ii) Group 2.3 (visitor); or
 - (iii) Group 2.4 (visitor (short stay)); or
- (c) the holder of a Class 773 (border) entry permit; or
- (d) an illegal entrant who:
 - (i) immediately before becoming an illegal entrant, was a person of a kind specified in any of the preceding paragraphs of this clause; and
 - (ii) satisfies additional criteria 6001, 6002, 6003, 6005 and 6006.”.

12.15 Clause 674.735:

Omit the clause, substitute:

“674.735 If, at the time of application, the applicant was the holder of a Group 2.3 (visitor) entry permit or a Group 2.4 (visitor (short stay)) entry permit, the applicant establishes that there are compelling personal reasons for seeking a further period of stay in Australia.”.

12.16 Clause 674.736:

Omit “visa”, substitute “entry permit”.

12.17 After clause 674.736, insert:

“674.737 If, at the time of application, the applicant was:

- (a) the holder, as a primary person, of a Group 2.2 (student) entry permit; and

- (b) an assisted student (other than a student described in paragraph (a) of the definition of 'assisted student' in regulation 1.3);

the applicant has the support of AIDAB for the grant of the entry permit.

“674.738 If, at the time of application, the applicant was the holder of a Class 417 (working holiday) entry permit, the applicant establishes that exceptional reasons exist for the grant of the entry permit.”.

12.18 Clause 675.721:

Omit the clause, substitute:

“675.721 The applicant is:

- (a) the holder of a Group 2.1 (temporary resident) entry permit other than a Class 426 (domestic worker (diplomatic or consular)) entry permit; or
- (b) the holder of an entry permit of any of the following groups:
 - (i) Group 2.2 (student); or
 - (ii) Group 2.3 (visitor); or
 - (iii) Group 2.4 (visitor (short stay)); or
- (c) the holder of a Class 773 (border) entry permit; or
- (d) an illegal entrant who:
 - (i) immediately before becoming an illegal entrant, was a person of a kind specified in any of the preceding paragraphs of this clause; and
 - (ii) satisfies additional criteria 6001, 6002, 6003, 6005 and 6006.”.

12.19 After clause 675.733, insert:

“675.734 If, at the time of application, the applicant was:

- (a) the holder, as a primary person, of a Group 2.2 (student) entry permit; and

- (b) an assisted student (other than a student described in paragraph (a) of the definition of 'assisted student' in regulation 1.3);

the applicant has the support of AIDAB for the grant of the entry permit.

“675.735 If, at the time of application, the applicant was the holder of a Class 417 (working holiday) entry permit, the applicant establishes that exceptional reasons exist for the grant of the entry permit.”.

13. Schedule 2, Chapter 2.5 (Extended eligibility visas and entry permits)

13.1 Subclauses 820.321 (1), (2) and (3):

Omit “satisfies”, substitute “meets”.

13.2 Paragraph 820.721 (1) (b):

Omit “satisfies”, substitute “meets”.

13.3 Subclause 820.721 (2):

Omit “satisfies”, substitute “meets”.

13.4 Subclause 820.731 (1):

Omit “821.721”, substitute “820.721”.

13.5 Subclauses 826.321 (1), (2) and (3):

Omit “satisfies”, substitute “meets”.

14. Schedule 2, Chapter 2.6 (Refugee and humanitarian (temporary entry) visas and entry permits)

14.1 Clause 435.521:

Omit “30 June 1993”, substitute “31 January 1994,”.

14.2 Clause 435.723:

Omit the clause, substitute:

“435.723 The applicant is not the holder of an entry permit (other than a Class 435 entry permit) having effect on or after 31 January 1994.”.

14.3 Clause 443.521:

Omit “30 June 1993”, substitute “31 January 1994,”.

14.4 Clause 443.723:

Omit the clause, substitute:

“443.723 The applicant is not the holder of an entry permit (other than a Class 443 entry permit) having effect on or after 31 January 1994.”.

14.5 Paragraph 784.311 (2) (c):

Omit “before” (second occurring).

15. Schedule 2, Chapter 2.7 (Provisional visas and entry permits)

15.1 Clause 301.311 (note):

Omit the note.

15.2 Clause 302.311 (note):

Omit the note.

16. Schedule 2, Chapter 2.8 (Miscellaneous visas and entry permits)

16.1 Clause 771.221:

Omit “(once only)”.

16.2 Paragraph 771.222 (a):

Omit “(once only)”.

16.3 Subparagraph 773.323 (j) (iii):

Add at the end “or a Group 2.4 (visitor (short stay)) visa”.

16.4 Subdivision 829.71:

Omit the subdivision and notes, substitute:

“829.71 Application (entry permit (after entry)): As provided by subregulation 2.29 (1B).

[**NOTE:** An application for an entry permit of any of the following classes is taken, under subregulation 2.29 (1B), to be an application for a Class 829 entry permit:

Class 801 (spouse (after entry));

Class 802 (child (after entry));

Class 804 (aged parent (after entry));

Class 805 (skilled occupation);

Class 806 (family and other close ties (after entry));

Class 808 (confirmatory);

Class 812 (December 1989 (permanent));

Class 820 (extended eligibility (spouse));

Class 826 (extended eligibility (interdependency)).]”.

16.5 Subclause 829.731 (1):

Omit the subclause, substitute:

“829.731 (1) The applicant meets the requirements of subclause (2), (3) or (4).”.

16.6 Subclause 829.731 (5):

Omit the subclause.

17. Schedule 3 (Provisions with respect to the grant of visas and entry permits included in certain groups to secondary persons)

17.1 Paragraph 013.333 (b):

Omit the paragraph, substitute:

“(b) public interest criteria 4007 and 4008, unless the Minister is satisfied that it would be unreasonable to require the applicant to undergo assessment in relation to those criteria; and”.

18. Schedule 11 (Prescribed forms)

18.1 Form 2:

Omit “I,....., the Secretary of the Department of Immigration and Ethnic Affairs, hereby authorise you (*insert the name of officer*)”, substitute “I, (*name*) the Secretary [*or a delegate of the Secretary*] of the Department of Immigration and Ethnic Affairs, authorise you”.

18.2 Form 2:

Omit “Secretary”, substitute: “Secretary [*or Delegate*]”.

18.3 Form 3:

Omit “I,, the Secretary of the Department of Immigration and Ethnic Affairs, hereby authorise you (*insert the name of officer*)”, substitute “I, (*name*) the Secretary [*or a delegate of the Secretary*] of the Department of Immigration and Ethnic Affairs, authorise you”.

18.4 Form 3:

Omit “Secretary”, substitute: “Secretary [*or Delegate*]”.

19. Amendment of Statutory Rules 1993 No. 29

19.1 Regulation 1 (Commencement):

Add at the end:

“1.2 Regulation 3 commences on 1 March 1993.”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 17 August 1993.
2. Statutory Rules 1992 No. 367 as amended by 1993 Nos. 19, 29, 88, 169 and 175 .