



Statutory Rules 1993 No. 363<sup>1</sup>

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## **Migration (1993) Regulations<sup>2</sup> (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 15 December 1993.

BILL HAYDEN  
Governor-General

By His Excellency's Command,

NICK BOLKUS  
Minister for Immigration and Ethnic Affairs

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### **1. Amendment**

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

[NOTE: These Regulations commence on gazettal: see *Acts Interpretation Act 1901*, s. 48.]

**2. Regulation 7.18 (Prescribed matters (subsection 63 (1) of Act))**

## 2.1 Add at the end:

“(h) whether the person has held a PRC (temporary) visa (code number 783) granted under the Migration (1989) Regulations or a Class 437 (PRC (temporary)) entry permit;

(j) whether the person is a citizen of PRC who:

(i) is shown by records kept by Immigration to have been in Australia on or before 20 June 1989; and

(ii) was, on 1 November 1993, either in Australia or the holder of a valid return visa;

(k) whether the person is a member of the family unit of a person of the kind referred to in paragraph (h) or (j);

(l) whether the person:

(i) is the spouse, or a dependent child, of the holder of a Class 784 (domestic protection (temporary)) entry permit; and

(ii) has not applied for:

(A) a determination of refugee status; or

(B) a Class 784 entry permit;

(m) whether the person meets the requirements of subregulation (2) or (3).

“(2) A person meets the requirements of this subregulation if:

(a) he or she had not turned 45 before 1 November 1993; and

(b) he or she was granted a visa (of any class) overseas on or before 12 March 1992 and used that visa to travel to Australia on or before 1 November 1993; and

(c) on 1 November 1993, he or she was either in Australia or the holder of a valid return visa; and

(d) on or before 1 November 1993, he or she applied for:

(i) a determination of refugee status (whether or not the application has been decided, and whether or

- not the decision, if made, was adverse to the applicant); or
- (ii) a Class 435 (Sri Lankan (temporary)) or 443 (Citizens of the former Socialist Federal Republic of Yugoslavia (temporary)) entry permit; and
- (e) in the case of a person to whom paragraph (d) (ii) applies:
- (i) the application referred to in that subparagraph has not been decided; and
  - (ii) he or she appears to the Minister, on the basis of information in the records of Immigration, to meet the requirements for the grant to him or her of a Class 435 or 443 entry permit.

“(3) A person meets the requirements of this subregulation if he or she is a member of the family unit of a person who meets the requirements of subregulation (2).”.

### **3. Schedule 2, Chapter 1.3 (Cambodian (Special Assistance) visa and entry permit)**

3.1 Clauses 214.321 and 214.322:

Omit the clauses, substitute:

“214.321 (1) The applicant:

- (a) is usually a resident of Cambodia and is experiencing hardship in Cambodia as a result of upheavals in that country over recent years; and
- (b) has close links with Australia.

“(2) For the purposes of subclause (1), an applicant has close links with Australia if:

- (a) the applicant has a parent, daughter, son, sister, brother, aunt, uncle, niece or nephew who:
  - (i) was an Australian citizen or an Australian permanent resident on 1 October 1993; and
  - (ii) continues to be an Australian citizen or an Australian permanent resident; and
  - (iii) is usually resident in Australia; or

(b) the applicant:

- (i) arrived in Australia by boat, without a visa or other authority, between 28 November 1989 and 26 April 1991; and
- (ii) before that arrival was usually a resident of Cambodia; and
- (iii) was in detention under the *Migration Act 1958* for most of his or her stay in Australia; and
- (iv) subsequently returned to Cambodia.”.

3.2 Paragraph 214.323 (a):

Omit “paragraph 214.322 (a)”, substitute “paragraph 214.321 (1) (a)”.

3.3 Clause 214.332:

After “applicant”, insert “, and each member of the family unit of the applicant born before the lodging of the application who is also an applicant for a Class 214 visa,”.

#### **4. Schedule 2, Chapter 2.6 (Refugee and humanitarian (temporary entry) visas and entry permits)**

4.1 Clause 435.521:

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

4.2 Clause 435.723:

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

4.3 Clause 443.521:

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

4.4 Clause 443.723:

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

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

5.1 Clause 013.335:

After the clause, insert:

“013.336 If the applicant is an applicant for a Class 214 (Cambodian (special assistance)) visa, the applicant has been residing in Cambodia for a period of 12 months, unless the applicant was born after the application by the relevant primary person was lodged.”.

**NOTES**

1. Notified in the *Commonwealth of Australia Gazette* on 23 December 1993.
2. Statutory Rules 1992 No. 367 as amended by 1993 Nos. 19, 29, 88, 169, 175, 218, 235, 253, 267, 283, 309, 310 and 329.