



Statutory Rules 1993 No. 371<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 22 December 1993.

BILL HAYDEN  
Governor-General

By His Excellency's Command,

NICK BOLKUS  
Minister for Immigration and Ethnic Affairs

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### **1. Commencement**

1.1 Regulations 7, 8 and 9 and subregulations 14.1, 14.2, 14.20, 14.21, 14.22, 14.23, 22.3 and 22.4 are taken to have commenced on 1 February 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 “Occupations Requiring English list”:

Omit the definition, substitute:

“**‘Occupations Requiring English List’** means the list mentioned in regulation 1.13;”.

3.2 After the definition of “the Act”, insert:

“**‘tourism’** means participation in activities of a recreational nature including amateur sporting activities, informal study courses, relaxation, sightseeing and travel;”.

3.3 Definition of “vocational proficiency in English”:

Omit the definition, substitute:

“**‘vocational proficiency in English’** means the ability to speak English in any situation and to write English in any context;”.

### **4. Regulation 1.13 (Vocational proficiency in English)**

4.1 Omit the regulation, substitute:

#### **Occupations Requiring English List**

“1.13 The Minister may publish by Gazette Notice a list of occupations requiring vocational proficiency in English.”.

### **5. Regulation 2.5 (Qualification—eligibility of spouse)**

5.1 Omit “the spouse of”.

5.2 Paragraph 2.5 (a):

After “spouse”, insert “of the applicant”.

**6. Regulation 2.24 (Certain visas to state period that holder may stay in Australia)**

6.1 Paragraph 2.24 (1) (a):

Omit the paragraph.

**7. Regulation 2A.2 (Making of applications)**

7.1 Paragraph 2A.2 (2) (b):

Omit “authorised”.

**8. Regulation 2A.3 (Applications by persons in custody)**

8.1 Subregulation 2A.3 (1):

Omit “authorised”.

**9. Regulation 2A.9 (Applications for review)**

9.1 Subparagraph 2A.9 (b) (ii):

Omit “authorised”.

**10. Regulation 7.24 (Fees in respect of applications for visas and entry permits)**

10.1 Subregulation 7.24 (2):

Omit “Subject to subregulation (3), a”, substitute “A”.

10.2 Subregulation 7.24 (3):

Omit the subregulation.

**11. Regulation 7.26 (Employer nomination fee)**

11.1 Add at the end “and must be paid at the time of lodgment of the nomination”.

**12. Schedule 1 (Classification of visas and entry permits)**

12.1 Item 2113 (Column 3):

Omit “021”, substitute “—”.

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

## 13.1 Clause 105.323:

Omit the clause.

## 13.2 After clause 105.332, insert:

“105.332A (1) Subject to subclause (2), the applicant continues to be of working age.

“(2) If the applicant satisfies the criterion specified in clause 105.332 by reason of the operation of regulation 2.5, the spouse of the applicant is of working age.

“105.332B (1) Subject to subclause (2), if the usual occupation of the applicant is an occupation included in the Occupations Requiring English List, the applicant satisfies the Minister that the applicant has vocational proficiency in English.

“(2) If:

- (a) the applicant satisfies the criterion specified in clause 105.332 by reason of the operation of regulation 2.5; and
- (b) the usual occupation of the spouse of the applicant is an occupation included in the Occupations Requiring English List;

the spouse of the applicant satisfies the Minister that the spouse of the applicant has vocational proficiency in English.”.

## 13.3 Subdivision 120.12:

Omit the subdivision, substitute:

“**120.12 Purpose of grant to primary persons:** To authorise travel to, and permanent residence in, Australia by certain persons to be employed in Australia under labour agreements.”.

## 13.4 Subdivision 121.12:

Omit the subdivision, substitute:

“**121.12 Purpose of grant to primary persons:** To authorise travel to, and permanent residence in, Australia by certain persons nominated by employers in respect of appointments in the employers’ businesses in Australia.”.

13.5 Subdivision 124.12:

Omit the subdivision, substitute:

**“124.12 Purpose of grant to primary persons:** To authorise travel to, and permanent residence in, Australia by certain persons who have exceptional records of achievement in their occupations, professions or other activities.”.

13.6 Subdivision 125.12:

Omit the subdivision, substitute:

**“125.12 Purpose of grant to primary persons:** To authorise travel to, and permanent residence in, Australia by certain persons who have records of outstanding achievement in their occupations or professions or in the arts or sport or have given certain specialised assistance to the Australian Government in matters of security.”.

13.7 Subdivision 126.12:

Omit the subdivision, substitute:

**“126.12 Purpose of grant to primary persons:** To authorise travel to, and permanent residence in, Australia by certain persons who are not sponsored by Australian citizens or Australian permanent residents and meet the requirements of sections 29 to 32 of the Act.”.

13.8 Subdivision 126.32:

Omit the clause numbered 105.322, substitute:

**“126.322** If the usual occupation of the applicant is an occupation included in the Occupations Requiring English List, the applicant satisfies the Minister that the applicant has vocational proficiency in English.”.

13.9 Subdivision 127.12:

Omit the subdivision, substitute:

**“127.12 Purpose of grant to primary persons:** To authorise travel to, and permanent residence in, Australia by certain persons having proprietorial business skills.”.

13.10 Subdivision 128.12:

Omit the subdivision, substitute:

**“128.12 Purpose of grant to primary persons:** To authorise travel to, and permanent residence in, Australia by certain persons having senior executive business skills.”.

13.11 Subdivision 129.12:

Omit the subdivision, substitute:

**“129.12 Purpose of grant to primary persons:** To authorise travel to, and permanent residence in, Australia by certain persons having proprietorial business skills.”.

13.12 Subdivision 130.12:

Omit the subdivision, substitute:

**“130.12 Purpose of grant to primary persons:** To authorise travel to, and residence in, Australia by certain persons having senior executive business skills.”.

13.13 Sub-subparagraph 152.321 (b) (ii) (B):

Omit “subparagraph (i)”, substitute “sub-subparagraph (A)”.

13.14 After clause 152.336, insert:

“152.337 If the applicant has not turned 18, 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.”.

#### **14. Schedule 2, Chapter 1.2 (Permanent resident (after entry) entry permits)**

14.1 Subclause 801.711 (1):

Omit “subclauses (2)”, insert “subclauses (2), (2A)”.

14.2 After subclause 801.711 (2), insert:

“(2A) An application by a person who:

- (a) is applying as the dependent child of an applicant for a Class 801 entry permit; and

(b) was born after the lodging of, and before the making of a decision on, the application by that other applicant; may be added to that application.”.

14.3 Paragraph 802.736 (b):

Omit “4005 and 4006”, substitute “4007 and 4008”.

14.4 Paragraph 804.821 (a):

Omit the paragraph, substitute:

“(a) application by the holder of an extended eligibility (family) entry permit (code 822) granted under the Migration (1989) Regulations: \$155;”.

14.5 Subclause 805.722 (1):

Omit “(b)”, substitute “(a)”.

14.6 Subclause 805.722 (1):

Omit “(c)”, substitute “(b)”.

14.7 Subclause 805.724 (1):

Omit “satisfies”, substitute “meets”.

14.8 Subclause 805.724 (2):

Omit “if the applicant:”, substitute “if:”.

14.9 Paragraphs 805.724 (2) (a), (b) and (c):

Before “has”, insert “the applicant”.

14.10 Subclause 805.724 (3):

After paragraph (a), insert:

“(aa) the fee fixed under regulation 7.26 has been paid on the lodgment of the nomination; and”.

14.11 Paragraph 805.821 (a):

After “permit”, insert “(code number 823) granted under the Migration (1989) Regulations”.

14.12 Paragraph 806.721 (1) (c):

Omit “satisfies”, substitute “meets”.

14.13 Subclause 806.721 (2):

Omit the subclause, substitute:

“(2) If the applicant is an illegal entrant, the applicant was not, immediately before becoming an illegal entrant, the holder of a Class 771 (transit) entry permit and is either:

(a) a person who:

(i) meets the requirements of subclause (3), (4), (5) or (6); and

(ii) satisfies illegal entrant criterion 6002; or

(b) a person who:

(i) meets the requirements of subclause (7) or (8); and

(ii) satisfies illegal entrant criteria 6001, 6002 and 6004.”.

14.14 Subclauses 806.721 (3), (4), (5) and (6):

Omit “satisfies the requirement”, substitute “meets the requirements”.

14.15 Subclauses 806.721 (7) and (8):

Omit “satisfies”, substitute “meets”.

14.16 Subclause 806.721 (8):

Omit “meets”, substitute “satisfies”.

14.17 Paragraph 806.731 (1) (b) and subclause 806.731 (2):

Omit “satisfies”, substitute “meets”.

14.18 Note following clause 806.731:

Omit “Under s. 34 (3B) of the Act,”, substitute “Under subsection 34 (3B) of the *Migration Act 1958*,”.



14.19 Clause 806.732:

Omit the clause, substitute:

“806.732 Unless the applicant meets the requirements of subclause 806.731 (2) or (3):

- (a) each member of the family unit of the applicant who is an applicant for a Class 806 entry permit satisfies public interest criteria 4001 to 4006, 4009 and 4010; and
- (b) each member of the family unit of the applicant who is not an applicant for a Class 806 entry permit satisfies:
  - (i) public interest criteria 4001 to 4004 and 4010; and
  - (ii) public interest criteria 4005 and 4006, unless the Minister is satisfied that it would be unreasonable to require the applicant to undergo assessment in relation to those criteria.”.

14.20 Subclause 808.711 (1):

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

14.21 After subclause 808.711 (2), insert:

“(2A) An application by a person who:

- (a) is applying as the dependent child of an applicant for a Class 808 entry permit; and
- (b) was born after the lodging of, and before the making of a decision on, the application by that other applicant;

may be added to that application.”.

14.22 Subclause 814.711 (1):

Omit “subclauses (2)”, substitute “subclauses (2), (2A)”.

14.23 After subclause 814.711 (2), insert:

“(2A) An application by a person who:

- (a) is applying as the dependent child of an applicant for a Class 814 entry permit; and
- (b) was born after the lodging of, and before the making of a decision on, the application by that other applicant;

may be added to that application.”.

**15. Schedule 2, Chapter 1.3 (Permanent resident (refugee and humanitarian) visas and entry permits)**

15.1 Paragraph 208.326 (a):

Omit “after the applicant’s entry”, substitute “, and the applicant’s dependants, after their entry”.

15.2 Subparagraph 209.323 (d) (i):

Omit “after the applicant’s entry”, substitute “, and the applicant’s dependants, after their entry”.

15.3 Paragraph 210.326 (a):

Omit “after the applicant’s entry”, substitute “, and the applicant’s dependants, after their entry”.

15.4 Paragraph 211.323 (a):

Omit “after the applicant’s entry”, substitute “, and the applicant’s dependants, after their entry”.

15.5 Subparagraph 212.323 (d) (i):

Omit “after the applicant’s entry”, substitute “, and the applicant’s dependants, after their entry”.

15.6 Subdivision 213.21:

Clause numbered 211.211:

Omit “211.211”, substitute “213.211”.

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

16.1 Clause 305.341 and note:

Omit the clause and note, substitute:

“305.341 Mandatory conditions: 9201, 9202 and 9233.

[NOTE: Conditions 9201 and 9202 prevent the holder of a Class 305 visa or resultant entry permit from obtaining permanent residence in Australia without first obtaining a section 47 temporary entry permit.]”.

16.2 Division 411.2:

Subdivision heading numbered 410.22

Omit “**410.22**”, substitute “**411.22**”.

16.3 Clause 411.322:

Omit “exchange”.

16.4 Clause 420.333:

Omit “5008 and 5009.”, substitute “5009 and 5010.”.

16.5 Clause 426.721:

Omit the clause, substitute:

“426.721 Either:

- (a) the applicant is the holder, as a primary person, of a Class 426 entry permit that is not subject to a condition that the applicant is not entitled, after entering Australia, to be granted a further entry permit while the holder remains in Australia; or
- (b) the applicant:
  - (i) is an illegal entrant; and
  - (ii) immediately before becoming an illegal entrant, was the holder, as a primary person, of a Class 426 entry permit that was not subject to the condition that the applicant was not entitled, after entering Australia, to be granted a further entry permit while the holder remained in Australia; and
  - (iii) satisfies illegal entrant criterion 6005.”.

16.6 Paragraph 426.731 (a):

Omit the paragraph, substitute:

“(a) continues to satisfy the criterion specified in clause 426.721; and”.

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

17.1 Subdivision 562.81:

Before “(1) Application before entry (only):”, insert “562.811”.

17.2 Part 563 (heading):

Omit “CLASS 563—(IRANIAN POSTGRADUATE STUDENT)” (second occurring).

17.3 Note following clause 563.411:

Omit “562.812”, substitute “563.812”.

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

18.1 Subdivision 661.12:

Omit “(including visits of more than 3 months)”.

18.2 Note following clause 661.223:

Omit the Note.

18.3 Clause 661.311:

Omit “48J”, substitute “48AJA”.

18.4 Clause 661.323:

Omit the clause.

18.5 Clause 661.332:

Omit the clause, substitute:

“661.332 The applicant satisfies the Minister that the expressed intention of the applicant only to visit Australia is genuine.

“661.332A The applicant satisfies the Minister that the applicant does not intend to become a permanent resident of Australia.”.

18.6 Clause 661.333:

Omit “and 4011”.

18.7 Clause 661.335:

Omit the clause.

18.8 Clause 661.521:

Omit “(not exceeding 6 months)”.

18.9 Clause 661.522:

Omit “(not exceeding 6 months)”.

18.10 Clause 680.322:

Omit the clause.

18.11 Clause 680.332:

Omit the clause, substitute:

“680.332 The applicant satisfies the Minister that the expressed intention of the applicant only to visit Australia is genuine.

“680.332A The applicant satisfies the Minister that the applicant does not intend to become a permanent resident of Australia.”.

18.12 Clause 680.335:

Omit the clause.

18.13 Subparagraph 680.721 (d) (ii):

Omit “additional”, substitute “illegal entrant”.

18.14 Clause 680.731:

Add at the end:

“; or (c) the applicant has compelling personal reasons for the grant of the entry permit and satisfies public interest criterion 4005.”.

18.15 Clause 680.734:

Omit the clause.

18.16 Clause 680.738:

Omit the clause, substitute:

“680.738 If the grant of the entry permit would result in the applicant being authorised to stay in Australia for more than 12 consecutive months as the holder of 1 or more Group 2.3 (visitor) or Group 2.4 (visitor (short stay)) entry permits, the applicant satisfies the Minister that compelling personal reasons or exceptional circumstances exist for the grant of the entry permit.

“680.739 If, at the time of application, the applicant was the holder of a Group 2.3 (visitor) or Group 2.4 (visitor (short stay)) entry permit, the applicant produces evidence of adequate arrangements for health insurance to cover possible medical or hospital expenses.”.

18.17 Clause 680.822:

After paragraph 680.822 (a), insert:

“(aa) in the case of an applicant who is an illegal entrant and was the holder of a Group 2.4 (visitor (short stay)) entry permit immediately before becoming an illegal entrant: \$200; or”.

18.18 Clause 682.332:

Omit the clause, substitute:

“682.332 The applicant satisfies the Minister that the expressed intention of the applicant only to visit Australia is genuine.

“682.332A The applicant satisfies the Minister that the applicant does not intend to become a permanent resident of Australia.”.

18.19 Clause 682.333:

Omit “, 4011 and 4012.”, substitute “and 4011.”.

18.20 Clause 682.335:

Omit the clause.

18.21 Clause 682.731:

Add at the end:

“; or (c) the applicant has compelling personal reasons for the grant of the entry permit and satisfies public interest criterion 4005.”.

18.22 Clause 682.734:

Omit the clause.

18.23 Clause 682.737:

Omit the clause, substitute:

“682.737 If the grant of the entry permit would result in the applicant being authorised to stay in Australia for more than 12 consecutive months as the holder of 1 or more Group 2.3 (visitor) or Group 2.4 (visitor (short stay)) entry permits, the applicant satisfies the Minister that compelling personal reasons or exceptional circumstances exist for the grant of the entry permit.

“682.738 If, at the time of application, the applicant was the holder of a Group 2.3 (visitor) or Group 2.4 (visitor (short stay)) entry permit, the applicant produces evidence of adequate arrangements for health insurance to cover possible medical or hospital expenses.”.

18.24 Clause 682.822:

After paragraph 682.822 (a), insert:

“(aa) in the case of an applicant who is an illegal entrant and was the holder of a Group 2.4 (visitor (short stay)) entry permit immediately before becoming an illegal entrant: \$200; or”.

18.25 Clause 683.332:

Omit the clause, substitute:

“683.332 The applicant satisfies the Minister that the expressed intention of the applicant only to visit Australia is genuine.

“683.332A The applicant satisfies the Minister that the applicant does not intend to become a permanent resident of Australia.”.

18.26 Clause 683.333:

Omit “, 4011 and 4012.”, substitute “and 4011.”.

18.27 Clause 683.335:

Omit the clause.

18.28 Clause 683.731:

Add at the end:

“; or (c) the applicant has compelling personal reasons for the grant of the entry permit and satisfies public interest criterion 4005.”.

18.29 Clause 683.734:

Omit the clause.

18.30 Clause 683.738:

Omit the clause, substitute:

“683.738 If the grant of the entry permit would result in the applicant being authorised to stay in Australia for more than 12 consecutive months as the holder of 1 or more Group 2.3 (visitor) or Group 2.4 (visitor (short stay)) entry permits, the applicant satisfies the Minister that compelling personal reasons or exceptional circumstances exist for the grant of the entry permit.

“683.739 If, at the time of application, the applicant was the holder of a Group 2.3 (visitor) or Group 2.4 (visitor (short stay)) entry permit, the applicant produces evidence of adequate arrangements for health insurance to cover possible medical or hospital expenses.”.

18.31 Clause 683.822:

After paragraph 683.822 (a), insert:

“(aa) in the case of an applicant who is an illegal entrant and was the holder of a Group 2.4 (visitor (short stay)) entry permit immediately before becoming an illegal entrant: \$200; or”.



18.32 Clause 684.321:

Omit the clause, substitute:

“684.321 The applicant seeks to travel to Australia as a visitor primarily for reasons other than tourism, business, medical treatment or to visit close family relatives.”.

18.33 Clause 684.332:

Omit the clause, substitute:

“684.332 The applicant satisfies the Minister that the expressed intention of the applicant only to visit Australia is genuine.

“684.332A The applicant satisfies the Minister that the applicant does not intend to become a permanent resident of Australia.”.

18.34 Clause 684.335:

Omit the clause.

18.35 Subclause 684.731 (1):

Add at the end:

“; or (c) the applicant has compelling personal reasons for the grant of the entry permit and satisfies public interest criterion 4005.”.

18.36 Subclause 684.731 (2):

Omit the subclause.

18.37 Clause 684.734:

Omit the clause, substitute:

“684.734 If the grant of the entry permit would result in the applicant being authorised to stay in Australia for more than 12 consecutive months as the holder of 1 or more Group 2.3 (visitor) or Group 2.4 (visitor (short stay)) entry permits, the applicant satisfies the Minister that compelling personal reasons or exceptional circumstances exist for the grant of the entry permit.

“684.734A If, at the time of application, the applicant was the holder of a Group 2.3 (visitor) or Group 2.4 (visitor (short stay)) entry permit, the applicant produces evidence of adequate

arrangements for health insurance to cover possible medical or hospital expenses.”.

18.38 Clause 684.822:

After paragraph 684.822 (a), insert:

“(aa) in the case of an applicant who is an illegal entrant and was the holder of a Group 2.4 (visitor (short stay)) entry permit immediately before becoming an illegal entrant: \$200; or”.

18.39 Clause 685.332:

Omit the clause, substitute:

“685.332 The applicant satisfies the Minister that the expressed intention of the applicant only to visit Australia is genuine.

“685.332A The applicant satisfies the Minister that the applicant does not intend to become a permanent resident of Australia.”.

18.40 Clause 685.338:

Omit the clause.

18.41 Clause 685.731:

Add at the end:

“; or (c) the applicant has compelling personal reasons for the grant of the entry permit and satisfies public interest criterion 4005.”.

18.42 Clause 685.734:

Omit the clause, substitute:

“685.734 If the grant of the entry permit would result in the applicant being authorised to stay in Australia for more than 12 consecutive months as the holder of 1 or more Group 2.3 (visitor) or Group 2.4 (visitor (short stay)) entry permits, the applicant satisfies the Minister that compelling personal reasons or exceptional circumstances exist for the grant of the entry permit.

“685.735 If, at the time of application, the applicant was the holder of a Group 2.3 (visitor) or Group 2.4 (visitor (short stay)) entry

permit, the applicant produces evidence of adequate arrangements for health insurance to cover possible medical or hospital expenses.”.

18.43 Clause 685.822:

After paragraph 685.822 (a), insert:

“(aa) in the case of an applicant who is an illegal entrant and was the holder of a Group 2.4 (visitor (short stay)) entry permit immediately before becoming an illegal entrant: \$200; or”.

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

19.1 Clause 670.311:

Omit the clause, substitute:

“670.311 (1) Subject to subclause (2), the application must be made in accordance with approved form 48.

“(2) An application by a person who is included in the passport of another applicant for a Class 670 visa may be combined with, and lodged at the same time as, the application by the other applicant.”.

19.2 Clause 670.322:

Omit the clause.

19.3 Clause 670.332:

Omit the clause, substitute:

“670.332 The applicant satisfies the Minister that the expressed intention of the applicant only to visit Australia is genuine.

“670.332A The applicant satisfies the Minister that the applicant does not intend to become a permanent resident of Australia.”.

19.4 Clause 670.335:

Omit the clause.

19.5 Subparagraph 670.721 (d) (ii):

Omit “additional”, substitute “illegal entrant”.

19.6 Clause 670.724:

Omit the clause.

19.7 Clause 670.731:

Add at the end:

“; or (c) the applicant has compelling personal reasons for the grant of the entry permit and satisfies public interest criterion 4005.”.

19.8 Clause 670.734

Omit the clause.

19.9 Clause 670.735:

Omit the clause.

19.10 After clause 670.738, insert:

“670.738A If the grant of the entry permit would result in the applicant being authorised to stay in Australia for more than 12 consecutive months as the holder of 1 or more Group 2.3 (visitor) or Group 2.4 (visitor (short stay)) entry permits, the applicant satisfies the Minister that compelling personal reasons or exceptional circumstances exist for the grant of the entry permit.

“670.739 If, at the time of application, the applicant was the holder of a Group 2.3 (visitor) or Group 2.4 (visitor (short stay)) entry permit, the applicant produces evidence of adequate arrangements for health insurance to cover possible medical or hospital expenses.”.

19.11 Paragraph 670.811 (1) (a):

Omit the paragraph, substitute:

“(a) if the visa:

(i) authorises the holder to travel to Australia more than once; and

(ii) is to be valid for the period of 4 years or the remaining period of validity of the applicant’s passport, whichever is the shorter;

and that remaining period is not less than 12 months: \$30; or”.

19.12 Subclause 670.811 (1):

Add at the end:

“; or (c) if the application is combined with another application on which the fee is paid: Nil.”.

19.13 Clause 670.822:

Omit the clause, substitute:

“670.822 After entry:

(a) separate application: \$100;

(b) application combined with another application on which the fee is paid: Nil.”.

19.14 Clause 672.311:

Omit the clause, substitute:

“672.311 (1) Subject to subclause (2), the application must be made in accordance with approved form 48.

“(2) An application by a person who is included in the passport of another applicant for a Class 672 visa may be combined with, and lodged at the same time as, the application by the other applicant.”.

19.15 Clause 672.332:

Omit the clause, substitute:

“672.332 The applicant satisfies the Minister that the expressed intention of the applicant only to visit Australia is genuine.

“672.332A The applicant satisfies the Minister that the applicant does not intend to become a permanent resident of Australia.”.

19.16 Clause 672.333:

Omit “, 4011 and 4012.”, substitute “and 4011.”.

19.17 Clause 672.335:

Omit the clause.

19.18 Subparagraph 672.721 (d) (ii):

Omit “additional”, substitute “illegal entrant”.

19.19 Clause 672.724:

Omit the clause.

19.20 Clause 672.731:

Add at the end:

“; or (c) the applicant has compelling personal reasons for the grant of the entry permit and satisfies public interest criterion 4005.”.

19.21 Clause 672.734

Omit the clause.

19.22 Clause 672.735:

Omit the clause.

19.23 Clause 672.737:

After clause 672.737, insert:

“672.738 If the grant of the entry permit would result in the applicant being authorised to stay in Australia for more than 12 consecutive months as the holder of 1 or more Group 2.3 (visitor) or Group 2.4 (visitor (short stay)) entry permits, the applicant satisfies the Minister that compelling personal reasons or exceptional circumstances exist for the grant of the entry permit.

“672.739 If, at the time of application, the applicant was the holder of a Group 2.3 (visitor) or Group 2.4 (visitor (short stay)) entry permit, the applicant produces evidence of adequate arrangements for health insurance to cover possible medical or hospital expenses.”.

19.24 Paragraph 672.811 (1) (a):

Omit the paragraph, substitute:

“(a) if the visa:

- (i) authorises the holder to travel to Australia more than once; and
- (ii) is to be valid for the period of 4 years or the remaining period of validity of the applicant’s passport, whichever is the shorter;

and that remaining period is not less than 12 months: \$30; or”.

19.25 Subclause 672.811 (1):

“; or (c) if the application is combined with another application on which the fee is paid: Nil.”.

19.26 Clause 672.822:

Omit the clause, substitute:

“672.822 After entry:

(a) separate application: \$100;

(b) application combined with another application on which the fee is paid: Nil.”.

19.27 Clause 673.311:

Omit the clause, substitute:

“673.311 (1) Subject to subclause (2), the application must be made in accordance with approved form 48.

“(2) An application by a person who is included in the passport of another applicant for a Class 673 visa may be combined with, and lodged at the same time as, the application by the other applicant.”.

19.28 Clause 673.332:

Omit the clause, substitute:

“673.332 The applicant satisfies the Minister that the expressed intention of the applicant only to visit Australia is genuine.

“673.332A The applicant satisfies the Minister that the applicant does not intend to become a permanent resident of Australia.”.

19.29 Clause 673.333:

Omit “, 4011 and 4012.”, substitute “and 4011.”.

19.30 Clause 673.335:

Omit the clause.

19.31 Subparagraph 673.721 (d) (ii):

Omit “additional”, substitute “illegal entrant”.

19.32 Clause 673.724:

Omit the clause.

19.33 Clause 673.731:

Add at the end:

“; or (c) the applicant has compelling personal reasons for the grant of the entry permit and satisfies public interest criterion 4005.”.

19.34 Clause 673.734:

Omit the clause.

19.35 Clause 673.736:

Omit the clause.

19.36 After subclause 673.738, insert:

“673.738A If the grant of the entry permit would result in the applicant being authorised to stay in Australia for more than 12 consecutive months as the holder of 1 or more Group 2.3 (visitor) or Group 2.4 (visitor (short stay)) entry permits, the applicant satisfies the Minister that compelling personal reasons or exceptional circumstances exist for the grant of the entry permit.

“673.739 If, at the time of application, the applicant was the holder of a Group 2.3 (visitor) or Group 2.4 (visitor (short stay)) entry permit, the applicant produces evidence of adequate arrangements for health insurance to cover possible medical or hospital expenses.”.

19.37 Note following clause 673.741:

Omit “5201”, substitute “9203”.

19.38 Paragraph 673.811 (1) (a):

Omit the paragraph, substitute:

“(a) if the visa:

(i) authorises the holder to travel to Australia more than once; and



(ii) is to be valid for the period of 4 years or the remaining period of validity of the applicant's passport, whichever is the shorter; and that remaining period is not less than 12 months: \$30; or”.

19.39 Subclause 673.811 (1):

Add at the end:

“; or (c) if the application is combined with another application on which the fee is paid: Nil.”.

19.40 Clause 673.822:

Omit the clause, substitute:

“673.822 After entry:

(a) separate application: \$100;

(b) application combined with another application on which the fee is paid: Nil.”.

19.41 Clause 674.311:

Omit the clause, substitute:

“674.311 (1) Subject to subclause (2), the application must be made in accordance with approved form 48.

“(2) An application by a person who is included in the passport of another applicant for a Class 674 visa may be combined with, and lodged at the same time as, the application by the other applicant.”.

19.42 Clause 674.321:

Omit the clause, substitute:

“674.321 The applicant seeks to travel to Australia as a visitor primarily for reasons other than tourism, business, medical treatment or to visit close family relatives.”.

19.43 Note following heading to subdivision 674.32:

After “or entry”, insert “visa”.

19.44 Clause 674.332:

Omit the clause, substitute:

“674.332 The applicant satisfies the Minister that the expressed intention of the applicant only to visit Australia is genuine.

“674.332A The applicant satisfies the Minister that the applicant does not intend to become a permanent resident of Australia.”.

19.45 Clause 674.335:

Omit the clause.

19.46 Subparagraph 674.721 (d) (ii):

Omit “additional”, substitute “illegal entrant”.

19.47 Clause 674.724:

Omit the clause.

19.48 Clause 674.731:

Add at the end:

“; or (c) the applicant has compelling personal reasons for the grant of the entry permit and satisfies public interest criterion 4005.”.

19.49 Clause 674.732:

Omit “and”, substitute “to”.

19.50 Clauses 674.734 and 674.735:

Omit the clauses.

19.51 After clause 674.738, insert:

“674.738A If the grant of the entry permit would result in the applicant being authorised to stay in Australia for more than 12 consecutive months as the holder of 1 or more Group 2.3 (visitor) or Group 2.4 (visitor (short stay)) entry permits, the applicant satisfies the Minister that compelling personal reasons or exceptional circumstances exist for the grant of the entry permit.

“674.739 If, at the time of application, the applicant was the holder of a Group 2.3 (visitor) or Group 2.4 (visitor (short stay)) entry

permit, the applicant produces evidence of adequate arrangements for health insurance to cover possible medical or hospital expenses.”.

19.52 Paragraph 674.811 (1) (a):

Omit the paragraph, substitute:

“(a) if the visa:

(i) authorises the holder to travel to Australia more than once; and

(ii) is to be valid for the period of 4 years or the remaining period of validity of the applicant’s passport, whichever is the shorter;

and that remaining period is not less than 12 months: \$30; or”.

19.53 Subclause 674.811 (1):

Add at the end:

“; or (c) if the application is combined with another application on which the fee is paid: Nil.”.

19.54 Clause 674.822:

Omit the clause, substitute:

“674.822 After entry:

(a) separate application: \$100;

(b) application combined with another application on which the fee is paid: Nil.”.

19.55 Clause 675.311:

Omit the clause, substitute:

“675.311 (1) Subject to subclause (2), the application must be made in accordance with approved form 48.

“(2) An application by a person who is included in the passport of another applicant for a Class 675 visa may be combined with, and lodged at the same time as, the application by the other applicant.”.

19.56 Clause 675.332:

Omit the clause, substitute:

“675.332 The applicant satisfies the Minister that the expressed intention of the applicant only to visit Australia is genuine.

“675.332A The applicant satisfies the Minister that the applicant does not intend to become a permanent resident of Australia.”.

19.57 Clause 675.337:

Omit “3006”, substitute “4005”.

19.58 Clause 675.338:

Omit the clause.

19.59 Subparagraph 675.721 (d) (ii):

Omit “additional”, substitute “illegal entrant”.

19.60 Clause 675.724:

Omit the clause.

19.61 Clause 675.731:

Add at the end:

“; or (c) the applicant has compelling personal reasons for the grant of the entry permit and satisfies public interest criterion 4005.”.

19.62 Clause 675.733:

Omit the clause.

19.63 Clause 675.735:

Omit the clause, substitute:

“675.735 If the grant of the entry permit would result in the applicant being authorised to stay in Australia for more than 12 consecutive months as the holder of 1 or more Group 2.3 (visitor) or Group 2.4 (visitor (short stay)) entry permits, the applicant satisfies the Minister that compelling personal reasons or exceptional circumstances exist for the grant of the entry permit.

“675.736 If, at the time of application, the applicant was the holder of a Group 2.3 (visitor) or Group 2.4 (visitor (short stay)) entry permit, the applicant produces evidence of adequate arrangements for health insurance to cover possible medical or hospital expenses.”.

19.64 Paragraph 675.811 (1) (a):

Omit the paragraph, substitute:

“(a) if the visa:

(i) authorises the holder to travel to Australia more than once; and

(ii) is to be valid for the period of 4 years or the remaining period of validity of the applicant’s passport, whichever is the shorter;

and that remaining period is not less than 12 months: \$30; or”.

19.65 Subclause 675.811 (1):

Add at the end:

“; or (c) if the application is combined with another application on which the fee is paid: Nil.”.

19.66 Clause 675.822:

Omit the clause, substitute:

“675.822 After entry:

(a) separate application: \$100;

(b) application combined with another application on which the fee is paid: Nil.”.

## **20. Schedule 2, Chapter 2.7 (Provisional visas and entry permits)**

20.1 Subdivision 300.12:

Omit “to marry Australian citizens and Australian permanent residents”, substitute “to marry Australian citizens or Australian permanent residents”.

20.2 Clause 300.335:

Omit “continues in effect”, substitute “is still in force”.

20.3 Note following Division 300.7 heading:

Add at the end:

“whose initial visa authorised an initial stay in Australia of a period of up to 3 months”.

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

21.1 Paragraph 771.322 (b):

Omit the paragraph, substitute:

“(b) to join, as a non-prescribed crew member, the crew of a vessel that is not a prescribed vessel in Australia.”.

21.2 Clause 771.332:

Omit “visit”, substitute “transit”.

21.3 Subparagraph 773.323 (e) (i):

Omit the subparagraph, substitute:

“(i) is a dependent child of:

- (A) an Australian citizen or an Australian permanent resident; or
- (B) the holder of a Group 1.1 (migrant), 1.2 (permanent resident (after entry)), 1.3 (permanent residence (refugee and humanitarian)) or 1.4 (resident return) visa; or
- (C) the holder of a Group 2.1 (temporary resident) visa or entry permit; and”.

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

22.1 Clause 011.322:

After “is required”, insert “at the time of application”.

22.2 After clause 011.334, insert:

“011.334A If the application is for a Class 129 (State/Territory sponsored business skills) or a Class 130 (State/Territory sponsored business skills (senior executive)) visa:

- (a) the relevant primary person is sponsored under the relevant provisions of Schedule 2; and
- (b) the sponsorship includes sponsorship of the applicant.”.

22.3 Subclause 012.711 (1):

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

22.4 After subclause 012.711 (2), add:

“(3) An application by a person who:

- (a) is applying as the dependent child of an applicant for a Class 812 entry permit; and
- (b) was born after the lodging of, and before the making of a decision on, the application by that other applicant;

may be added to that application.”.

22.5 After clause 012.732, insert:

“012.732A The applicant continues to be a member of the family unit of the relevant primary person.”.

22.6 Clause 013.322:

Omit the clause, substitute:

“013.322 If nomination of the relevant primary person is required under the relevant provision of Schedule 2, the nomination of the relevant primary person includes the nomination of the applicant.

“013.323 If a written undertaking is required under the relevant provision of Schedule 2 in relation to the relevant primary person, that written undertaking relates also to the applicant.”.

22.7 After clause 013.331, insert:

“013.331A The applicant continues to be a member of the family unit of the relevant primary person.”.

22.8 Subclause 021.311 (1):

Omit “subclause (2),”, substitute “subclauses (1A) and (2),”

22.9 After subclause 021.311(1), insert:

“(1A) An application by a secondary person for a Class 995 (diplomatic) visa must be made in accordance with the agreement reached between Foreign Affairs and Immigration.”.

22.10 Subclause 021.411 (1):

Omit “subclause (2),”, substitute “subclauses (1A) and (2),”

22.11 After subclause 021.411(1), insert:

“(1A) An application by a secondary person for a Class 995 (diplomatic) visa must be made in accordance with the agreement reached between Foreign Affairs and Immigration.”.

22.12 Clause 021.732:

Omit “continues”, substitute “continues”.

22.13 Subdivision 022.12:

Clause numbered 022.132:

Omit “022.132”, substitute “022.122”.

22.14 Subclause 022.341 (1):

Add at the end:

“; (d) if the applicant is a member of the family unit of a citizen of Iran: 9232.”

22.15 Subclause 022.441 (1):

Add at the end:

“; (d) if the applicant is a member of the family unit of a citizen of Iran: 9232.”

22.16 Subclause 022.741 (1):

Add at the end:

“; (d) if the applicant is a member of the family unit of a citizen of Iran: 9232.”



22.17 Division 027.7:

Note following heading:

Omit “the holder of an entry permit of the same class.”, substitute “certain holders of entry permits of the same class.”.

**23. Schedule 4 (Public interest criteria)**

23.1 Subparagraph 4005 (c) (iv):

Omit “would”.

23.2 Subparagraph 4007 (1) (c) (iv):

Omit “would”.

23.3 Clause 4008:

Paragraph (b) (second occurring):

Omit “(b)”, substitute “(c)”.

23.4 Paragraph 4012 (b):

After “parents”, insert “or guardians”.

23.5 After paragraph 4012 (c), add:

“; and (d) who is not travelling as a part of an organised tour and for whom no adequate maintenance and support arrangements have been made for the total period of stay in Australia;”.

**24. Schedule 5 (Special re-entry criteria)**

24.1 Paragraph 5011 (2) (b):

Omit “AIDAB; or”, substitute “AIDAB.”.

24.2 Paragraph 5011 (2) (c):

Omit the paragraph.

**25. Schedule 6 (Illegal entrant criteria)**

25.1 Note following clause 6001:

Transfer the note to immediately above that clause.

25.2 Paragraph 6002 (a) and subparagraph 6002 (b) (i):  
Omit “2 days”, substitute “2 working days”.

## **26. Schedule 9 (Visa and entry permit conditions)**

26.1 Clause 9106:

Omit the clause, substitute:

“9106. While in Australia, the holder must not engage in:

- (a) any course leading to:
  - (i) the completion of a primary or secondary education program; or
  - (ii) a course leading to degree, diploma, trade certificate or other formal award; or
- (b) any other course (other than a language training program) completion of which may be unconditionally credited towards, or accepted as a prerequisite for, a course of studies at a higher education institution within or outside Australia; or
- (c) any studies or training of more than 3 months’ duration.”.

26.2 Clauses 9229 and 9230:

Omit the clauses, substitute:

“9229. The holder must enter into the marriage in relation to which the visa or entry permit was granted within 3 months of the later of the following dates:

- (a) the date of the holder’s initial arrival in Australia as the holder of a Class 300 (prospective marriage) visa;
- (b) the date on which the holder was granted a Class 300 (prospective marriage) entry permit after entry to Australia.

“9230. The relevant primary person must enter into the marriage in relation to which the visa or entry permit held by the relevant primary person was granted within 3 months of the later of the following dates:

- (a) the date of the relevant primary person’s initial arrival in Australia as the holder of a Class 300 (prospective marriage) visa;
- (b) the date on which the relevant primary person was granted a Class 300 (prospective marriage) entry permit after entry to Australia.”.

26.3 After clause 9232, add:

“9233. During the period of validity of the visa or entry permit, there must be no material change in the circumstances on the basis of which it was granted.”.

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### NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 24 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, 329 and 363.