

Administrative
F.R.L.I. 1996B02064
Office of the
Department



Statutory Rules 1996 No. *h*¹

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Migration Reform (Transitional Provisions) 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* and the *Migration Reform Act 1992*.

Dated *h* 1996.

25 September /

h WILLIAM DOONE
Governor-General

By His Excellency's Command,

h PHILIP RUDDOCK
Minister for Immigration and Multicultural Affairs

1. Commencement

1.1 These Regulations commence on 1 November 1996.

2. Amendment

2.1 The Migration Reform (Transitional Provisions) Regulations are amended as set out in these Regulations.

3. Regulation 19A (Special Circumstance visa)**3.1 Paragraph 19A (8) (a):**

Omit the paragraph, substitute:

“(a) in the case of a non-citizen referred to in paragraph (7) (a):

- (i) if the day on which the person presents the relevant passport is before 1 November 1996— for a period of 4 years from that day; or
- (ii) if the day on which the person presents the relevant passport is on or after 1 November 1996— for a period of 5 years from that day; and”.

4. Regulation 21 (Visa and entry permit applications made before 19 December 1989)**4.1 Paragraph 21 (3) (a):**

Omit the paragraph, substitute:

“(a) to travel to and enter Australia on 1 or more occasions:

- (i) in the case of a visa granted before 1 November 1996:
 - (A) if the primary application was for a visa— for 4 years from the date of grant; or
 - (B) if the primary application was for an entry permit— for 3 years from the date of grant; or
- (ii) in the case of a visa granted on or after 1 November 1996— for 5 years from the date of grant; and”.

5. Regulation 22 (Visa applications made on or after 19 December 1989 and before 1 September 1994)**5.1 Paragraph 22 (3) (a):**

Omit the paragraph, substitute:

“(a) to travel to and enter Australia on 1 or more occasions:

- (i) in the case of a visa granted before 1 November 1996— for 4 years from the date of grant; or

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- (ii) in the case of a visa granted on or after 1 November 1996—for 5 years from the date of grant; and”.

5.2 Subregulation 22 (5):

Omit “If”, substitute “Subject to subregulation (5A), if”.

5.3 After subregulation 22 (5), insert:

“(5A) If:

- (a) the application was an application for a permanent entry permit that also had effect:
 - (i) under regulation 22A of the Migration (1989) Regulations, as an application for a return visa, class A (code number 154); or
 - (ii) under subclause 154.411 (3) of Chapter 1.4 of Schedule 2 to the Migration (1993) Regulations, as an application for a Class 154 (resident return (A)) visa; and
- (b) the transitional visa granted on the basis of the application referred to in subparagraph (a) (i) or (ii) is granted on or after 1 November 1996;

that transitional visa is to be a visa permitting the holder:

- (c) to travel to and enter Australia during the period commencing on the date of grant and ending at the end of the period of 5 years from the date of grant of the permanent entry permit or transitional (permanent) visa granted on the basis of the satisfaction by the applicant of the criteria that applied to the permanent entry permit referred to in paragraph (a); and
- (d) to remain in Australia indefinitely.”.

6. Regulation 23 (Entry permit applications made on or after 19 December 1989 and before 1 September 1994)

6.1 Paragraph 23 (6) (a):

Omit the paragraph, substitute:

“(a) to travel to and enter Australia:

- (i) in the case of a visa granted before 1 November 1996—for a period of 3 years from the date of grant; or

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- (ii) in the case of a visa granted on or after 1 November 1996—for a period of 5 years from the date of grant; and”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on *h* 1996. *30 September*
2. Statutory Rules 1994 No. 261 as amended by 1994 Nos. 281 and 377; 1995 Nos. 40, 135 and 266; 1996 Nos. 11 and 77.