



Statutory Rules 1996 No. 75

Migration Regulations (Amendment)

TABLE OF PROVISIONS

Regulation	
1.	Commencement
2.	Amendment
3.	Regulation 1.03 (Interpretation)
4.	New regulation 2.07AB 2.07AB. Applications for Electronic Travel Authority visas
5.	Regulation 2.10 (Where application must be made)
6.	Regulation 2.13 (Communication with Minister)
7.	Regulation 2.33 (Effect of assurance of support) 2.33. Effect of assurance of support
8.	Regulation 2.38 (Liability of person giving assurance of support)
9.	Regulation 3.03 (Evidence of identity of arriving person etc. (Act, s.166)
10.	Regulation 4.22 (Prescribed allowances—section 398 of the Act)
11.	New regulation 4.31A 4.31A. Combined applications for review by the Tribunal
12.	Schedule 1 (Classes of visas)
13.	Schedule 2 (Provisions with respect to the grant of subclasses of visas)
14.	Schedule 4 (Public Interest Criteria)
15.	Schedule 5 (Special Return Criteria)
16.	Schedule 8 (Visa conditions)
17.	Schedule 9 (Special entry and clearance arrangements)

TABLE OF PROVISIONS—continued

Regulation

- 18. Minor and formal amendments of the Migration Regulations
- 19. Transitional (Subclass 428)
- 20. Transitional (Subclasses 820 and 826)

SCHEDULE 1

AMENDMENTS OF SCHEDULE 1 TO THE MIGRATION REGULATIONS

SCHEDULE 2

AMENDMENTS OF SCHEDULE 2 TO THE MIGRATION REGULATIONS

SCHEDULE 3

AMENDMENTS OF SCHEDULE 4 TO THE MIGRATION REGULATIONS

SCHEDULE 4

AMENDMENTS OF SCHEDULE 5 TO THE MIGRATION REGULATIONS

SCHEDULE 5

MINOR AND FORMAL AMENDMENTS OF THE MIGRATION REGULATIONS



Statutory Rules 1996 No. 75¹

Migration 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 29 May 1996.

WILLIAM DEANE
Governor-General

By His Excellency's Command,

PHILIP RUDDOCK
Minister for Immigration and Multicultural Affairs

1. Commencement

1.1 These Regulations, except regulation 10, subregulations 12.1 and 13.1, Part 1 of Schedule 1 and Part 1 of Schedule 2, commence on 1 August 1996.

1.2 Subregulation 13.1 and Part 1 of Schedule 2 commence on 1 July 1996.

[NOTE: Regulation 10, subregulation 12.1 and Part 1 of Schedule 1 commence on gazettal: see *Acts Interpretation Act 1901*, s. 48.]

2. Amendment

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

3. Regulation 1.03 (Interpretation)

3.1 Definition of “public interest criterion”:

After “clause of”, insert “Part 1 of”.

3.2 Definition of “public interest criterion”:

Omit “that Schedule;”, substitute “that Part;”.

4. New regulation 2.07AB

4.1 After regulation 2.07AA, insert:

Applications for Electronic Travel Authority visas

“**2.07AB.** For the purposes of sections 45 and 46 of the Act, an application for an Electronic Travel Authority (Class UD) visa is taken to have been validly made when the applicant, when seeking the grant of the visa, whether:

- (a) in person; or
- (b) by telephone; or
- (c) by written communication (including facsimile message); or
- (d) by electronic transmission using a computer; or
- (e) in any other manner approved in writing by the Minister;

provides his or her passport details to:

- (f) a diplomatic, consular or migration office maintained by or on behalf of the Commonwealth outside Australia; or
- (g) an office of an agent referred to in sub-subparagraph 2.10 (1) (a) (iii) (B) when requesting a ticket for travel to Australia.”.

5. Regulation 2.10 (Where application must be made)

5.1 Subparagraph 2.10 (1) (a) (ii):

Omit the subparagraph, substitute:

- “(ii) if the application is for a Temporary Business Entry (Class UC) visa, Long Stay (Visitor) (Class

- TN), Medical Treatment (Visitor) (Class UB), Short Stay (Visitor) (Class TR) or Student (Temporary) (Class TU) visa—at an office of a visa application agency that is approved in writing by the Minister for the purpose of receiving applications of that kind; or
- (iii) if the application is for an Electronic Travel Authority (Class UD) visa—either:
- (A) at a diplomatic, consular or migration office maintained by or on behalf of the Commonwealth outside Australia; or
 - (B) at an office of an agent who is approved in writing by the Minister as an agent with whom an application for Electronic Travel Authority (Class UD) visa may be made; or”.

5.2 After subregulation 2.10 (1), insert:

“(2) For the purposes of subparagraph (1) (a) (iii), a person is taken to have made an application for an Electronic Travel Authority (Class UD) visa at a diplomatic, consular or migration office, or at an office of an agent, if the person sends the application to the office by telephone, by written communication including facsimile message, by electronic transmission using a computer or by any other manner approved in writing by the Minister for the purposes of regulation 2.07AB.”.

6. Regulation 2.13 (Communication with Minister)

6.1 Subregulation 2.13 (3):

Add at the end:

“; or (d) a communication about an application for an Electronic Travel Authority (Class UD) visa.”.

7. Regulation 2.33 (Effect of assurance of support)

7.1 Omit the regulation, substitute:

Effect of assurance of support

“2.33. If, while an assurance of support has effect after 19 December 1991 in respect of a person, that person has received

support of a kind specified by Gazette Notice, an amount equal to the value of the support provided (less any amount paid in respect of the support by or on behalf of that person to the Commonwealth) is a debt due and payable to the Commonwealth by the person who gave the assurance, and may be recovered by action in a Court of competent jurisdiction.”.

8. Regulation 2.38 (Liability of person giving assurance of support)

8.1 Subregulation 2.38 (1):

Omit the subregulation, substitute:

“**2.38. (1)** If a person receives a payment of a kind specified by Gazette Notice, and an assurance of support has effect in respect of the person when he or she receives the payment, the person who gave the assurance is liable, subject to this regulation, to pay to the Commonwealth the amount of the payment.”.

9. Regulation 3.03 (Evidence of identity of arriving person etc. (Act, s. 166))

9.1 Paragraph 3.03 (2) (e):

Omit the paragraph, substitute:

“(e) in the case of a non-citizen who holds an Electronic Travel Authority (Class UD) visa:

- (i) show a clearance officer evidence of the person’s identity, as specified in Part 1 of Schedule 9; and
- (ii) give the clearance officer a completed passenger card; and

(f) in the case of a non-citizen other than a non-citizen referred to in paragraph (b), (c), (d) or (e):

- (i) show a clearance officer his or her passport and evidence of a visa; and
- (ii) give the clearance officer a completed passenger card.”.

10. Regulation 4.22 (Prescribed allowances—section 398 of the Act)

10.1 Omit the regulation.

11. New regulation 4.31A

11.1 After regulation 4.31, insert:

Combined applications for review by the Tribunal

“4.31A.(1) If:

- (a) 2 or more applicants have combined their primary applications for a Protection (Class AZ) visa in a way permitted by Schedule 1 or regulation 2.08; and
 - (b) the Minister’s decisions in respect of 2 or more of those applicants are that Protection (Class AZ) visas not be granted; and
 - (c) the Minister’s decisions are RRT-reviewable decisions;
- the applicants referred to in paragraph (b) may combine their applications for review by the Tribunal of the Minister’s decisions.

“(2) Subregulation (1) applies to an application for review made on or after 1 August 1996.”.

12. Schedule 1 (Classes of visas)

12.1 Schedule 1 to the Migration Regulations is amended as set out in Part 1 of Schedule 1.

12.2 Schedule 1 to the Migration Regulations is further amended as set out in Part 2 of Schedule 1.

13. Schedule 2 (Provisions with respect to the grant of subclasses of visas)

13.1 Schedule 2 to the Migration Regulations is amended as set out in Part 1 of Schedule 2.

13.2 Schedule 2 to the Migration Regulations is further amended as set out in Parts 2, 3, 4 and 5 of Schedule 2

14. Schedule 4 (Public Interest Criteria)

14.1 Schedule 4 to the Migration Regulations is amended as set out in Schedule 3.

15. Schedule 5 (Special Return Criteria)

15.1 Schedule 5 to the Migration Regulations is amended as set out in Schedule 4.

16. Schedule 8 (Visa conditions)

16.1 Item 8521:

Omit the item.

16.2 After item 8526, insert:

“8527. The holder must be free from tuberculosis at the time of travel to, and entry into, Australia.

8528. The holder must not have one or more criminal convictions, for which the sentence or sentences (whether served or not) are for a total period of 12 months duration or more, at the time of travel to, and entry into, Australia.”.

17. Schedule 9 (Special entry and clearance arrangements)

17.1 Part 1 (Persons to whom special arrangements apply under section 166 of the Act):

After item 20, insert:

“21	Persons holding an Electronic Travel Authority (Class UD) visa	A passport which indicates that the person is a national of a country specified by Gazette Notice for the purposes of paragraph 1208A (3) (c) or paragraph 1208A (3) (d) in Schedule 1	Yes”.
-----	--	--	-------

18. Minor and formal amendments of the Migration Regulations

18.1 The Migration Regulations are further amended as set out in Schedule 5.

19. Transitional (Subclass 428)

19.1 If a person applied, before 1 August 1996, for a Cultural/Social (Temporary) (Class TE) visa, and that application is not finally determined, within the meaning of subsection 5 (9) of the

Act, before that date, the application is to be considered as if, at all relevant times:

- (a) the criterion set out in clause 428.224 of Schedule 2 to the Migration Regulations, as in force on 31 July 1996, had not been in force; and
- (b) clause 428.611 of that Schedule, as in force on 31 July 1996, had not included a reference to condition 8521.

19.2 If a Subclass 428 (Religious Worker) visa was granted before 1 August 1996, condition 8521 in Schedule 8 to the Migration Regulations as in force on 31 July 1996 does not apply, and is taken never to have applied, to the holder of that visa.

20. Transitional (Subclasses 820 and 826)

20.1 If a person applied, before 1 August 1996, for an Extended Eligibility (Temporary) (Class TK) visa, and that application is not finally determined, within the meaning of subsection 5 (9) of the Act, before that date, the application is to be considered as if:

- (a) subparagraph 820.211 (2) (d) (ii); and
- (b) paragraph 820.312 (b); and
- (c) subparagraph 826.212 (2) (e) (ii); and
- (d) paragraph 826.312 (b);

of Schedule 2 to the Migration Regulations (as amended and in force on 1 August 1996), had been in force at all relevant times.

SCHEDULE 1

Regulation 12

AMENDMENTS OF SCHEDULE 1 TO THE MIGRATION REGULATIONS**PART 1—AMENDMENTS COMMENCING ON GAZETTAL**

- 1.1 After paragraph 1101A (3) (a), insert:
“(aa) Applicant must be outside Australia.”.
- 1.2 After paragraph 1102 (3) (a), insert:
“(aa) Applicant must be outside Australia.”.
- 1.3 After paragraph 1103 (3) (a), insert:
“(aa) Applicant must be outside Australia.”.
- 1.4 After paragraph 1105 (3) (a), insert:
“(aa) Applicant must be outside Australia.”.
- 1.5 After paragraph 1106 (3) (a), insert:
“(aa) Applicant must be outside Australia.”.
- 1.6 After paragraph 1109 (3) (a), insert:
“(aa) Applicant must be outside Australia.”.
- 1.7 After paragraph 1113 (3) (a), insert:
“(aa) Applicant must be outside Australia.”.
- 1.8 After paragraph 1122 (3) (a), insert:
“(aa) Applicant must be outside Australia.”.
- 1.9 After paragraph 1127 (3) (a), insert:
“(aa) Applicant must be outside Australia.”.
- 1.10 After paragraph 1129A (3) (a), insert:
“(aa) Applicant must be outside Australia.”.
- 1.11 After paragraph 1130 (3) (a), insert:
“(aa) Applicant must be outside Australia.”.
- 1.12 After paragraph 1132 (3) (a), insert:
“(aa) Applicant must be outside Australia.”.

SCHEDULE 1—continued

**PART 2—AMENDMENTS COMMENCING ON
1 AUGUST 1996**

2.1 After item 1208, insert:

“1208A. Electronic Travel Authority (Class UD)

- (1) Form: Nil.
- (2) Fee:
 - (a) If the applicant satisfies the requirements for a Subclass 956 (Electronic Travel Authority (Business Entrant—Long Validity)) visa: \$35.
 - (b) In any other case: Nil.
- (3) Other:
 - (a) Application must be made outside Australia.
 - (b) Applicant must be outside Australia.
 - (c) If the applicant satisfies the requirements for a Subclass 956 (Electronic Travel Authority (Business Entrant—Long Validity)) visa or a Subclass 976 (Electronic Travel Authority (Visitor)) visa, the applicant must hold a valid passport that indicates that he or she is a national of a country specified by Gazette Notice for the purposes of this paragraph.

SCHEDULE 1—continued

- (d) If the applicant satisfies the requirements for a Subclass 977 (Electronic Travel Authority (Business Entrant—Short Validity)) visa, the applicant must hold a valid passport that indicates that he or she is a national of a country specified by Gazette Notice for the purposes of this paragraph.
 - (e) Application by a person included in the passport of another person may be made at the same time and place as, and combined with, the application by that person.
- (4) Subclasses: 956 (Electronic Travel Authority (Business Entrant—Long Validity))
976 (Electronic Travel Authority (Visitor))
977 (Electronic Travel Authority (Business Entrant—Short Validity))”.
-

SCHEDULE 2

Regulation 13

AMENDMENTS OF SCHEDULE 2 TO THE MIGRATION REGULATIONS

PART 1—SCHEDULE 2: AMENDMENTS COMMENCING ON 1 JULY 1996

1. Schedule 2, Part 417 (Working Holiday)

1.1 Clause 417.212:

Omit the clause, substitute:

“417.212 If the application is made in the migration zone—the applicant satisfies clauses 417.213, 417.216, 417.218 and 417.219, and:

- (a) is the holder of a Subclass 417 visa; or
- (b) is the holder of a Confirmatory (Temporary) visa granted on the grounds of satisfying the primary criteria for the grant of a Subclass 417 visa; or
- (c) is not the holder of a substantive visa and:
 - (i) the last substantive visa held by the applicant was a Subclass 417 visa; and
 - (ii) the applicant satisfies Schedule 3 criteria 3003, 3004 and 3005.”.

1.2 Subclause 417.214 (2):

Omit “Canada, the Republic of Ireland, Japan, the Republic of Korea, the Netherlands or the United Kingdom”, substitute “a country specified by Gazette Notice for the purposes of this subclause”.

1.3 Paragraph 417.216 (a):

After “enter”, insert “or remain in”.

SCHEDULE 2—continued**1.4 Clause 417.221:**

Omit the clause, substitute:

“417.221 (1) If the application is made outside Australia, the applicant:

- (a) continues to satisfy the criteria in clauses 417.213 to 417.217; and
- (b) satisfies public interest criteria 4001, 4002, 4003, 4004, 4005 and 4010.

“(2) If the application is made inside the migration zone, the applicant:

- (a) continues to satisfy the criteria in clauses 417.213, 417.216, 417.218 and 417.219; and
- (b) satisfies public interest criteria 4001, 4002, 4003, 4004, 4005 and 4010.”.

1.5 Clause 417.223:

Omit the clause.

SCHEDULE 2—continued

PART 2—SCHEDULE 2: GENERAL AMENDMENTS

1. Schedule 2, Part 101 (Child)

1.1 Clause 101.224:

Omit the clause.

1.2 Subclause 101.227 (1):

Omit the subclause, substitute:

“(1) Each member of the family unit of the applicant who is an applicant is a person who satisfies public interest criteria 4001, 4002, 4003, 4004, 4007 and 4009.”.

1.3 Clause 101.324:

Omit the clause.

2. Schedule 2, Part 102 (Adoption)

2.1 Clause 102.224:

Omit the clause.

2.2 Subclause 102.226 (1):

Omit the subclause, substitute:

“(1) Each member of the family unit of the applicant who is an applicant is a person who satisfies public interest criteria 4001, 4002, 4003, 4004, 4007, 4009 and 4010.”.

2.3 Clause 102.324:

Omit the clause.

3. Schedule 2, Part 103 (Parent)

3.1 Clause 103.225:

Omit the clause, substitute:

“103.225 If the applicant has previously been in Australia, the applicant satisfies special return criteria 5001, 5002 and 5010.”.

SCHEDULE 2—continued**3.2 Paragraph 103.227 (1) (b):**

Omit the paragraph, substitute:

“(b) if he or she has previously been in Australia, satisfies special return criteria 5001, 5002 and 5010.”.

3.3 Clause 103.324:

Omit the clause, substitute:

“103.324 If the applicant has previously been in Australia, the applicant satisfies special return criteria 5001, 5002 and 5010.”.

4. Schedule 2, Part 104 (Preferential Family)**4.1 Clause 104.224:**

Omit the clause, substitute:

“104.224 If the applicant:

- (a) has previously been in Australia; and
- (b) is an aged dependent relative or a remaining relative;

the applicant satisfies special return criteria 5001 and 5002.

“104.224A If the applicant:

- (a) has previously been in Australia; and
- (b) is a special need relative;

the applicant satisfies special return criterion 5001.”.

4.2 Paragraph 104.226 (1) (b):

Omit the paragraph, substitute:

“(b) in the case of an applicant who is an aged dependent relative or a remaining relative—satisfies special return criteria 5001 and 5002; or

- (c) in the case of an applicant who is a special need relative—satisfies special return criterion 5001.”.

4.3 Clause 104.324:

Omit the clause, substitute:

“104.324 If the applicant:

- (a) has previously been in Australia; and

SCHEDULE 2—continued

(b) is the member of a family unit of an aged dependent relative or a remaining relative;
the applicant satisfies special return criteria 5001 and 5002.

“104.324A If the applicant:

- (a) has previously been in Australia; and
- (b) is a special need relative;

the applicant satisfies special return criterion 5001.”.

5. Schedule 2, Part 428 (Religious Worker)

5.1 Clause 428.224:

Omit the clause.

5.2 Clause 428.611:

Omit the clause, substitute:

“428.611 If the applicant satisfies the primary criteria, conditions 8107 and 8303.”.

5.3 Clause 428.612:

Omit the clause, substitute:

“428.612 Any 1 or more of conditions 8106, 8107, 8301, 8303, 8501, 8502, 8503, 8516, 8522, 8525 and 8526 may be imposed.”.

6. Schedule 2, Part 444 (Special Category)

[NOTE: The note following clause 444.411 should be omitted and the following note substituted:

“[NOTE: For “pre-cleared flight” see the Act, s.17.]”.]

SCHEDULE 2—continued**7. Schedule 2, Part 560 (Student)****7.1 Subclause 560.224 (1):**

Omit “subclause (4) and clause 560.224A,”, substitute “subclauses (4) and (5),”.

7.2 Subclause 560.224 (4):

Omit the subclause, substitute:

“(4) Subclause (1) does not apply to an applicant who is a Burmese citizen if:

- (a) the applicant has been the holder of a Class 560 (Student (Category A)) visa (within the meaning of the Migration (1993) Regulations as in force on 29 June 1993) granted on the basis that the applicant was a person to whom clause 560.334A of Schedule 2 to those Regulations applied; or
- (b) the applicant is, or has been, the holder of a Subclass 560 visa granted on the basis that the applicant was a person to whom clause 560.224A of this Part, as in force on 29 June 1995, applied; or
- (c) the applicant is, or has been, the holder of a Subclass 560 visa granted on the basis that the applicant was a person to whom subclause 560.224 (5) applied.

“(5) Subclause (1) does not apply to an applicant if:

- (a) the applicant is a Burmese citizen; and
- (b) the applicant’s enrolment in the course referred to in clause 560.222 is enrolment as a student under a scholarship scheme or training program approved by AusAID; and
- (c) the Minister and the Foreign Minister have jointly determined that it is in the public interest that the applicant should enter Australia as a student; and
- (d) approval of the application would not result in the total number of Subclass 560 visas granted on the basis of the application of this subclause exceeding 5; and
- (e) the application was made on or before 30 June 1997.”.

SCHEDULE 2—continued

7.3 Clause 560.224A:

Omit the clause.

7.4 Subclause 560.324 (2):

Omit “or clause 560.224A.”, substitute “or (5).”.

8. Schedule 2, Part 773 (Border)

8.1 Clause 773.222:

Omit the clause, substitute:

“773.222 The applicant satisfies:

- (a) public interest criteria 4001, 4002, 4003, 4004 and 4005; and
- (b) if the applicant is not a person described in sub-paragraph 773.213 (1) (d) (i) (A) or (B)—public interest criteria 4013 and 4014.”.

9. Schedule 2, Part 804 (Aged Parent)

[NOTE: The note following clause 804.411 should be omitted and the following note substituted:

“[NOTE: Charges: Any applicable charges under the *Migration (Health Services) Charge Act 1991* must be paid before the visa can be granted.]”.]

10. Schedule 2, Part 820 (Spouse)

10.1 Paragraph 820.211 (2) (d):

Omit the paragraph, substitute:

- “(d) in the case of an applicant who is not the holder of a substantive visa—either:
 - (i) the applicant:
 - (A) entered Australia as the holder of a Subclass 995 (Diplomatic) visa or as a special purpose visa holder who at the time of entry met the requirements of subclause (6); and
 - (B) satisfies Schedule 3 criterion 3002; or

SCHEDULE 2—continued

- (ii) the applicant satisfies Schedule 3 criteria 3001, 3003 and 3004, unless the Minister is satisfied that there are compelling reasons for not applying those criteria.”.

10.2 Clause 820.312:

Omit the clause, substitute:

“820.312 In the case of an applicant who is not the holder of a substantive visa—either:

- (a) the applicant:
 - (i) entered Australia as the holder of a Subclass 995 (Diplomatic) visa or as a special purpose visa holder who at the time of entry met the requirements of subclause 820.211 (6); and
 - (ii) satisfies Schedule 3 criterion 3002; or
- (b) the applicant satisfies Schedule 3 criteria 3001, 3003 and 3004, unless the Minister is satisfied that there are compelling reasons for not applying those criteria.”.

11. Schedule 2, Part 826 (Interdependency)

11.1 Subparagraph 826.212 (2) (e) (ii):

Omit the subparagraph, substitute:

- “(ii) the applicant satisfies Schedule 3 criteria 3001, 3003 and 3004, unless the Minister is satisfied that there are compelling reasons for not applying those criteria.”.

11.2 Clause 826.312:

Omit the clause, substitute:

“826.312 In the case of an applicant who is not the holder of a substantive visa—either:

- (a) the applicant:
 - (i) entered Australia as the holder of a Subclass 995 (Diplomatic) visa or as a special purpose visa holder who at the time of entry met the requirements of subclause 826.212 (3); and
 - (ii) satisfies Schedule 3 criterion 3002; or
- (b) the applicant satisfies Schedule 3 criteria 3001, 3003 and 3004, unless the Minister is satisfied that there are compelling reasons for not applying those criteria.”.

SCHEDULE 2—continued

12. Schedule 2, Part 833 (Certain Unlawful Non-Citizens)

[NOTE: The note following clause 833.411 should be omitted and the following note substituted:

“[NOTE: Charges: Any applicable charges under the *Migration (Health Services) Charge Act 1991* must be paid before the visa can be granted.]”.]

13. Schedule 2

[NOTE: The notes following clauses 303.412, 411.412, 412.412, 413.412, 414.412, 415.412, 416.412, 417.412, 418.412, 419.412, 420.412, 421.412, 422.412, 423.412, 424.412, 425.412, 426.412, 427.412, 428.412, 430.412, 432.412, 442.412, 446.411, 560.412, 563.412, 800.411, 802.41, 805.411, 820.411 and 832.411 should be omitted.]

SCHEDULE 2—continued**PART 3—SCHEDULE 2: ELECTRONIC TRAVEL AUTHORITY
(CLASS UD) VISA—NEW PARTS 956, 976 AND 977 TO BE
INSERTED AFTER PART 866****SUBCLASS 956—ELECTRONIC TRAVEL AUTHORITY
(BUSINESS ENTRANT—LONG VALIDITY)****956.1 INTERPRETATION**

[NOTE: No interpretation provisions specific to this Part.]

956.2 PRIMARY CRITERIA**956.21 [No criteria to be satisfied at time of application]****956.22 Criteria to be satisfied at time of decision**

956.221 The applicant holds a valid passport which indicates that he or she is a national of a country specified by Gazette Notice for the purposes of paragraph 1208A (3) (c) in Schedule 1.

956.222 The applicant states an intention only to visit Australia temporarily for business purposes.

956.223 The applicant satisfies public interest criteria 4002, 4003, 4004, 4005, 4013 and 4014.

956.224 If the applicant has previously been in Australia, the applicant satisfies special return criteria 5001 and 5002.

956.3 SECONDARY CRITERIA**956.31 [No criteria to be satisfied at time of application]****956.32 Criteria to be satisfied at time of decision**

956.321 The applicant is included in the passport of a person who satisfies the primary criteria.

956.322 The applicant states an intention only to visit Australia temporarily.

SCHEDULE 2—continued

956.323 The applicant satisfies public interest criteria 4002, 4003, 4004, 4005, 4013 and 4014.

956.324 If the applicant has previously been in Australia, the applicant satisfies special return criteria 5001 and 5002.

956.4 CIRCUMSTANCES APPLICABLE TO GRANT

956.411 The applicant must be outside Australia when the visa is granted.

956.5 WHEN VISA IS IN EFFECT

956.511 Temporary visa permitting the holder:

- (a) to travel to, and enter, Australia on multiple occasions for the life of the holder's passport; and
- (b) on each occasion, to remain in Australia for a period not exceeding 3 months from the date of entry into Australia.

956.6 CONDITIONS

956.611 Conditions 8112, 8201, 8205, 8527 and 8528 must be imposed.

956.7 WAY OF GIVING EVIDENCE

956.711 No evidence need be given.

SCHEDULE 2—continued**SUBCLASS 976—ELECTRONIC TRAVEL AUTHORITY
(VISITOR)****976.1 INTERPRETATION**

[NOTE: There are no interpretation provisions specific to this Part.]

976.2 PRIMARY CRITERIA

[NOTE: All applicants must satisfy the primary criteria.]

976.21 [No criteria to be satisfied at time of application]**976.22 Criteria to be satisfied at time of decision**

976.221 The applicant holds a valid passport which indicates that he or she is a national of a country specified by Gazette Notice for the purposes of paragraph 1208A (3) (c) in Schedule 1.

976.222 The applicant states an intention only to visit Australia temporarily for tourism purposes.

976.223 The applicant satisfies public interest criteria 4002, 4003, 4004, 4005, 4013 and 4014.

976.224 If the applicant has previously been in Australia, the applicant satisfies special return criteria 5001 and 5002.

976.3 SECONDARY CRITERIA: Nil.

[NOTE: All applicants must satisfy the primary criteria.]

976.4 CIRCUMSTANCES APPLICABLE TO GRANT

976.411 The applicant must be outside Australia when the visa is granted.

976.5 WHEN VISA IS IN EFFECT

976.511 Temporary visa permitting the holder:
(a) to travel to, and enter, Australia on multiple occasions within 12 months from the date of the grant of the visa, or within the life of the holder's passport, whichever is the shorter; and

SCHEDULE 2—continued

- (b) on each occasion, to remain in Australia for a period not exceeding 3 months from the date of entry into Australia.

976.6 CONDITIONS

976.611 Conditions 8101, 8201, 8205, 8527 and 8528 must be imposed.

976.7 WAY OF GIVING EVIDENCE

976.711 No evidence need be given.

SCHEDULE 2—continued**SUBCLASS 977—ELECTRONIC TRAVEL AUTHORITY
(BUSINESS ENTRANT—SHORT VALIDITY)****977.1 INTERPRETATION**

[NOTE: No interpretation provisions specific to this Part.]

977.2 PRIMARY CRITERIA**977.21 [No criteria to be satisfied at time of application]****977.22 Criteria to be satisfied at time of decision**

977.221 The applicant holds a valid passport which indicates that he or she is a national of a country specified by Gazette Notice for the purposes of paragraph 1208A (3) (d) in Schedule 1.

977.222 The applicant states an intention only to visit Australia temporarily for business purposes.

977.223 The applicant satisfies public interest criteria 4002, 4003, 4004, 4005, 4013 and 4014.

977.224 If the applicant has previously been in Australia, the applicant satisfies special return criteria 5001 and 5002.

977.3 SECONDARY CRITERIA**977.31 [No criteria to be satisfied at time of application]****977.32 Criteria to be satisfied at time of decision**

977.321 The applicant is included in the passport of a person who satisfies the primary criteria.

977.322 The applicant states an intention only to visit Australia temporarily.

977.323 The applicant satisfies public interest criteria 4002, 4003, 4004, 4005, 4013 and 4014.

977.324 If the applicant has previously been in Australia, the applicant satisfies special return criteria 5001 and 5002.

SCHEDULE 2—continued

977.4 CIRCUMSTANCES APPLICABLE TO GRANT

977.411 The applicant must be outside Australia when the visa is granted.

977.5 WHEN VISA IS IN EFFECT

977.511 Temporary visa permitting the holder:

- (a) to travel to, and enter, Australia on one or more occasions, as specified by the Minister, within 12 months from the date of the grant of the visa, or within the life of the holder's passport, whichever is the shorter; and
- (b) on each occasion, to remain in Australia for a period not exceeding 3 months from the date of entry into Australia.

977.6 CONDITIONS

977.611 Conditions 8112, 8201, 8205 and 8527 and 8528 must be imposed.

977.7 WAY OF GIVING EVIDENCE

977.711 No evidence need be given.

SCHEDULE 2—continued**PART 4—SCHEDULE 2: CONSEQUENTIAL AMENDMENTS—
ELECTRONIC TRAVEL AUTHORITY (CLASS UD) VISA****1. Schedule 2: further amendments**

1.1 Schedule 2 to the Migration Regulations is further amended by inserting “Electronic Travel Authority (Class UD),” after “Temporary Business Entry (Class UC),” in the following provisions:

- paragraph 410.211 (2) (b)
- paragraph 411.211 (b)
- paragraph 412.211 (b)
- paragraph 413.211 (b)
- subclause 413.230 (1)
- paragraph 414.211 (b)
- subclause 414.229 (2)
- paragraph 415.211 (b)
- paragraph 416.211 (b)
- paragraph 418.211 (b)
- clause 418.231
- paragraph 419.211 (b)
- paragraph 420.211 (b)
- paragraph 421.211 (b)
- paragraph 422.211 (b)
- subclause 422.227 (4)
- paragraph 423.211 (b)
- paragraph 424.211 (b)
- paragraph 425.211 (b)
- paragraph 427.211 (b)
- paragraph 428.211 (b)
- paragraph 430.211 (b)
- paragraph 432.211 (b)
- paragraph 442.211 (b).

1.2 After subparagraph 456.221 (2) (f) (xii), insert:

- “(xiiia) Subclass 956 (Electronic Travel Authority (Business Entrant—Long Validity));

SCHEDULE 2—continued

- (xiib) Subclass 976 (Electronic Travel Authority (Visitor));
- (xiic) Subclass 977 (Electronic Travel Authority (Business Entrant—Short Validity));”.

1.3 After paragraph 456.324 (1), insert:

- “(la) Subclass 956 (Electronic Travel Authority (Business Entrant—Long Validity));
- (lb) Subclass 976 (Electronic Travel Authority (Visitor));
- (lc) Subclass 977 (Electronic Travel Authority (Business Entrant—Short Validity));”.

1.4 After subparagraphs 560.212 (1) (a) (v), 560.212 (3) (a) (v) and 560.312 (1) (a) (v), insert;

- “(va) an Electronic Travel Authority (Class UD) visa; or”.

1.5 After sub-subparagraph 560.228 (1) (b) (i) (E), insert:

- “(EA) an Electronic Travel Authority (Class UD) visa; or”.

1.6 After subparagraph 560.230 (b) (iv), insert:

- “(iva) an Electronic Travel Authority (Class UD) visa; or”.

1.7 Insert “Electronic Travel Authority (Class UD) visa,” after “Subclass 456 (Business (Short Stay)) visa,” in subclause 805.211 (1) and paragraph 805.211 (2) (b).

SCHEDULE 2—continued**PART 5—SCHEDULE 2: CONSEQUENTIAL AMENDMENTS—
SPECIAL RETURN CRITERIA**

Provision amended	Omit	Substitute
Clause 100.226	5001, 5002, 5004, 5006, 5008 and 5009.	5001 and 5002.
Paragraph 100.228 (1) (b)	5001, 5002, 5004, 5006, 5008 and 5009.	5001 and 5002.
Clause 100.324	5001, 5002, 5004, 5006, 5008 and 5009.	5001 and 5002.
Clause 105.226	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.
Paragraph 105.228 (1) (b)	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.
Clause 105.324	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.
Clause 110.225	5001, 5002, 5004, 5006, 5008 and 5009.	5001 and 5002.
Paragraph 110.227 (1) (b)	5001, 5002, 5004, 5006, 5008 and 5009.	5001 and 5002.
Clause 110.324	5001, 5002, 5004, 5006, 5008 and 5009.	5001 and 5002.

SCHEDULE 2—continued

Provision amended	Omit	Substitute
Paragraph 120.222 (b)	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 120.224 (1) (b)	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002
Clause 120.323	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 121.224 (b)	5001, 5003, 5005, 5007, 5008 and 5009.	5001 and 5002.
Paragraph 121.226 (1) (b)	5001, 5003, 5005, 5007, 5008 and 5009.	5001 and 5002.
Clause 121.323	5001, 5003, 5005 and 5007 to 5010.	5001 and 5002.
Clause 124.222	5001, 5003, 5005 and 5007 to 5009.	5001, 5002 and 5010.
Paragraph 124.224 (1) (b)	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.
Clause 124.323	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.
Clause 125.222	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.
Paragraph 125.224 (1) (b)	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.

SCHEDULE 2—continued

Provision amended	Omit	Substitute
Clause 125.323	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.
Clause 126.224	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.
Paragraph 126.226 (1) (b)	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.
Clause 126.323	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.
Clause 127.224	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.
Paragraph 127.225 (1) (b)	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.
Clause 127.323	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.
Clause 128.224	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.
Paragraph 128.225 (1) (b)	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.
Clause 128.323	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.
Clause 129.224	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.
Paragraph 129.225 (1) (b)	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.
Clause 129.323	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.

SCHEDULE 2—continued

Provision amended	Omit	Substitute
Clause 130.224	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.
Paragraph 130.225 (1) (b)	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.
Clause 130.323	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.
Clause 131.225	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.
Paragraph 131.226 (1) (b)	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.
Clause 131.323	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.
Clause 150.222	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.
Paragraph 150.223 (1) (b)	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.
Clause 150.323	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.
Clause 151.222	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.
Paragraph 151.224 (1) (b)	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.
Clause 151.323	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.
Clause 152.224	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.

SCHEDULE 2—continued

Provision amended	Omit	Substitute
Paragraph 152.226 (1) (b)	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.
Clause 152.323	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.
Clause 159.221	5001, 5003, 5005 and 5007 to 5010.	5001, 5002 and 5010.
Clause 200.227	5001, 5008 and 5009.	5001.
Paragraph 200.229 (1) (b)	5001, 5008 and 5009.	5001.
Paragraph 200.323 (b)	5001, 5008 and 5009.	5001.
Clause 201.227	5001, 5008 and 5009.	5001.
Paragraph 201.229 (1) (b)	5001, 5008 and 5009.	5001.
Paragraph 201.323 (b)	5001, 5008 and 5009.	5001.
Subclause 202.227 (2)	5001, 5008 and 5009.	5001.
Paragraph 202.229 (1) (b)	5001, 5008 and 5009.	5001.
Paragraph 202.323 (b)	5001, 5008 and 5009.	5001.
Clause 203.227	5001, 5008 and 5009.	5001.
Paragraph 203.229 (1) (b)	5001, 5008 and 5009.	5001.

SCHEDULE 2—continued

Provision amended	Omit	Substitute
Paragraph 203.323 (b)	5001, 5008 and 5009.	5001.
Clause 204.227	5001, 5008 and 5009.	5001.
Paragraph 204.229 (1) (b)	5001, 5008 and 5009.	5001.
Paragraph 204.323 (b)	5001, 5008 and 5009.	5001.
Clause 205.224	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 205.226 (1) (b)	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 205.322 (b)	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Clause 208.224	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 208.226 (1) (b)	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 208.323 (b)	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Clause 209.225	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 209.226 (1) (b)	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 209.322 (b)	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.

SCHEDULE 2—continued

Provision amended	Omit	Substitute
Clause 210.225	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 210.226 (1) (b)	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 210.322 (b)	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Clause 211.224	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 211.225 (1) (b)	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 211.323 (b)	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Clause 212.225	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 212.226 (1) (b)	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 212.322 (b)	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Clause 213.224	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 213.225 (1) (b)	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.

SCHEDULE 2—continued

Provision amended	Omit	Substitute
Paragraph 213.323 (b)	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Clause 214.226	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 214.227 (1) (b)	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 214.323 (b)	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Clause 215.226	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 215.227 (1) (b)	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 215.322 (b)	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Clause 216.226	5001, 5003, 5005, 5007, 5008 and 5009.	5001 and 5002.
Paragraph 216.227 (1) (b)	5001, 5003, 5005, 5007, 5008 and 5009.	5001 and 5002.
Paragraph 216.322 (b)	5001, 5003, 5005, 5007, 5008 and 5009.	5001 and 5002.
Clause 217.226	5001, 5003, 5005, 5007, 5008 and 5009.	5001 and 5002.
Paragraph 217.227 (1) (b)	5001, 5003, 5005, 5007, 5008 and 5009.	5001 and 5002.
Paragraph 217.322 (b)	5001, 5003, 5005, 5007, 5008 and 5009.	5001 and 5002.

SCHEDULE 2—continued

Provision amended	Omit	Substitute
Clause 300.224	5001, 5003, 5005 and 5007 to 5010.	5001 and 5002.
Paragraph 300.226 (1) (b)	5001, 5003, 5005 and 5007 to 5010.	5001 and 5002.
Clause 300.324	5001, 5003, 5005 and 5007 to 5010.	5001 and 5002.
Clause 303.225	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002 and public interest criteria 4013 and 4014.
Paragraph 303.323 (a)	4001 to 4005; and	4001 to 4005, 4013 and 4014; and
Clause 303.324	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Clause 410.223	5001, 5003, 5005, 5007, 5008 and 5009.	5001 and 5002.
Clause 410.226	4003 and 4004.	4003, 4004, 4013 and 4014.
Paragraph 410.227 (b)	4005 and 4010; and	4005, 4010, 4013 and 4014; and
Clause 410.323	4005 and 4010.	4005, 4010, 4013 and 4014.
Clause 410.324	4003 and 4004.	4003, 4004, 4013 and 4014.
Clause 410.325	5001, 5003, 5005, 5007, 5008 and 5009.	5001 and 5002.
Clause 411.225	5001, 5003, 5005, 5007, 5008 and 5009.	5001 and 5002.

SCHEDULE 2—continued

Provision amended	Omit	Substitute
Clause 411.226	4005 and 4010.	4005, 4010, 4013 and 4014.
Paragraph 411.324 (a)	4005; and	4005, 4013 and 4014; and
Clause 411.325	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Clause 412.227	5001, 5003, 5005, 5007, 5008 and 5009.	5001 and 5002.
Clause 412.228	4005 and 4010.	4005, 4010, 4013 and 4014.
Paragraph 412.324 (a)	4005; and	4005, 4013 and 4014; and
Clause 412.325	5001, 5003, 5005, 5007, 5009 and 5010.	5001 and 5002.
Clause 413.224	4006A and 4010.	4006A, 4010, 4013 and 4014.
Clause 413.226	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 413.324 (a)	4004 and 4006A; and	4004, 4006A, 4013 and 4014; and
Clause 413.325	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Clause 414.225	4006A and 4010.	4006A, 4010, 4013 and 4014.
Clause 414.227	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.

SCHEDULE 2—continued

Provision amended	Omit	Substitute
Paragraph 414.324 (a)	4004 and 4006A; and	4004, 4006A, 4013 and 4014; and
Clause 414.325	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Clause 415.226	4005 and 4010.	4005, 4010, 4013 and 4014.
Clause 415.228	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 415.324 (a)	4005; and	4005, 4013 and 4014; and
Clause 415.325	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Clause 416.223	4005 and 4010.	4005, 4010, 4013 and 4014.
Clause 416.225	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 416.323 (a)	4005; and	4005, 4013 and 4014; and
Clause 416.324	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 417.221 (1) (b)	4005 and 4010	4005, 4010, 4013 and 4014
Clause 417.222	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Clause 418.226	4006A and 4010.	4006A, 4010, 4013 and 4014.

SCHEDULE 2—continued

Provision amended	Omit	Substitute
Clause 418.227	5001,5003, 5005 and 5007 to 5009	5001 and 5002
Clause 420.325	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Clause 421.225	4005 and 4010.	4005, 4010, 4013 and 4014.
Clause 421.227	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 421.324 (a)	4005; and	4005, 4013 and 4014; and
Clause 421.325	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Clause 422.224	4005 and 4010.	4005, 4010, 4013 and 4014.
Clause 422.226	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 422.323 (a)	4005; and	4005, 4013 and 4014; and
Clause 422.326	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Clause 423.225	4005 and 4010.	4005, 4010, 4013 and 4014.
Clause 423.227	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 423.324 (a)	4005; and	4005, 4013 and 4014; and

SCHEDULE 2—continued

Provision amended	Omit	Substitute
Clause 423.325	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Clause 424.226	4005 and 4010.	4005, 4010, 4013 and 4014.
Clause 424.228	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 424.324 (a)	4005; and	4005, 4013 and 4014; and
Clause 424.326	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Clause 425.224	4005 and 4010.	4005, 4010, 4013 and 4014.
Clause 425.226	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 425.323 (a)	4005; and	4005, 4013 and 4014; and
Clause 425.324	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Clause 426.224	4005 and 4010.	4005, 4010, 4013 and 4014.
Clause 426.226	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 426.325 (a)	4005; and	4005, 4013 and 4014; and
Clause 426.326	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.

SCHEDULE 2—continued

Provision amended	Omit	Substitute
Clause 427.228	4005 and 4010.	4005, 4010, 4013 and 4014.
Clause 427.230	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 427.324 (a)	4005; and	4005, 4013 and 4014; and
Clause 427.325	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Clause 428.225	4005 and 4010.	4005, 4010, 4013 and 4014.
Clause 428.227	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 428.323 (a)	4005; and	4005, 4013 and 4014; and
Clause 428.324	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Clause 430.223	4005 and 4010.	4005, 4010, 4013 and 4014.
Clause 430.225	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 430.323 (a)	4005; and	4005, 4013 and 4014; and
Clause 430.324	returnntry criteria 5001, 5003, 5005 and 5007 to 5009.	return criteria 5001 and 5002.
Clause 432.227	4005 and 4010.	4005, 4010, 4013 and 4014.

SCHEDULE 2—continued

Provision amended	Omit	Substitute
Clause 432.229	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 432.323 (a)	4005; and	4005, 4013 and 4014; and
Clause 432.324	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Clause 442.225	4005 and 4010.	4005, 4010, 4013 and 4014.
Clause 442.227	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 442.323 (a)	4005; and	4005, 4013 and 4014; and
Clause 442.324	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 456.221 (2) (c)	4005 and 4011; and	4005, 4011, 4013 and 4014; and
Paragraph 456.221 (2) (d)	5001, 5003, 5005, 5007, 5008 and 5009; and	5001 and 5002; and
Clause 456.323	4005 and 4011.	4005, 4011, 4013 and 4014.
Clause 456.325	5001, 5003, 5005, 5007, 5008 and 5009.	5001 and 5002.
Paragraph 560.225 (a)	4005; and	4005, 4013 and 4014; and
Paragraph 560.225 (c)	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.

SCHEDULE 2—continued

Provision amended	Omit	Substitute
Subparagraph 560.322 (a) (i)	4005; and	4005, 4013 and 4014; and
Subparagraph 560.322 (a) (ii)	5001, 5003, 5005 and 5007 to 5009; and	5001 and 5002; and
Paragraph 562.225 (a)	4005; and	4005, 4013 and 4014; and
Paragraph 562.225 (c)	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 563.226 (a)	4005; and	4005, 4013 and 4014; and
Paragraph 563.226 (c)	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 675.221 (2) (d)	4004; and	4004, 4013 and 4014; and
Paragraph 675.221 (2) (e)	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 676.221 (2) (e)	4011 and 4012; and	4011, 4012, 4013 and 4014; and
Paragraph 676.221 (2) (f)	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 685.221 (2) (d)	4004; and	4004, 4013 and 4014; and
Paragraph 685.221 (2) (e)	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Paragraph 686.221 (2) (e)	4011 and 4012; and	4011, 4012, 4013 and 4014; and

SCHEDULE 2—continued

Provision amended	Omit	Substitute
Paragraph 686.221 (2) (f)	5001, 5003, 5005 and 5007 to 5009.	5001 and 5002.
Clause 771.222	4004 and 4005.	4004, 4005, 4013 and 4014.
Clause 771.223	5001, 5003, 5005 and 5007 to 5010.	5001 and 5002.
Clause 773.223	5001, 5003, 5005 and 5007 to 5010.	5001 and 5002.

SCHEDULE 3

Regulation 14

**AMENDMENTS OF SCHEDULE 4 TO THE MIGRATION
REGULATIONS**

1. Schedule 4

1.1 Omit the heading, substitute:

“SCHEDULE 4

Regulation 1.03

PUBLIC INTEREST CRITERIA AND RELATED PROVISIONS

PART 1—PUBLIC INTEREST CRITERIA”

1.2 Add at the end:

“4013. (1) If the applicant is affected by any of the risk factors specified in subclauses (2), (3), (4) and (5):

- (a) the application is made more than 3 years after the cancellation of the visa or temporary entry permit, or the determination of the Minister, as the case may be, referred to in the subclause that relates to the applicant; or
- (b) the Minister is satisfied that, in the particular case:
 - (i) compelling circumstances that affect the interests of Australia; or
 - (ii) compassionate or compelling circumstances that affect the interests of an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen;justify the granting of the visa within 3 years after the cancellation or determination.

“(2) A person is affected by a risk factor if a visa previously held by the person was cancelled under section 116 of the Act:

- (a) because the person was found by Immigration to have worked without authority; or
- (b) if the visa was of a subclass specified in Part 2 of this Schedule—because the person did not comply with a condition specified in that Part in relation to that subclass; or

SCHEDULE 3—continued

- (c) if the visa was a Subclass 773 (Border) visa and, at the time of grant of the visa, the person was apparently eligible for a substantive visa of a subclass specified in Part 2 of this Schedule—because the person did not comply with a condition specified in that Part in relation to that subclass of substantive visa.

“(3) A person is affected by a risk factor if a temporary entry permit previously held by the person was cancelled under section 35 of the Act as in force before 1 September 1994 because the person was found by Immigration to have worked without authority.

“(4) A person is affected by a risk factor if a temporary entry permit previously held by the person ceased to be in force as a result of a determination made by the Minister before 1 September 1994 that the person had failed to comply with a terminating condition to which the entry permit was subject.

“(5) A person is affected by a risk factor if, before 1 September 1994, the person left Australia because the Minister made a determination under regulation 2.38 of the Migration (1993) Regulations that the person contravened a condition of an entry permit held by the person, whether or not the period of effect of that entry permit had expired at the time of the determination.

“4014. (1) If the applicant is affected by either of the risk factors specified in subclauses (2) and (4):

- (a) the application is made more than 3 years after the departure of the person from Australia referred to in that subclause; or
- (b) the Minister is satisfied that, in the particular case:
- (i) compelling circumstances that affect the interests of Australia; or
 - (ii) compassionate or compelling circumstances that affect the interests of an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen;

justify the granting of the visa within 3 years after the departure.

SCHEDULE 3—continued

“(2) Subject to subclause (3), a person is affected by a risk factor if the person left Australia after the expiry of a period of grace that applied to the person under section 13 of the Act as in force before 1 September 1994, being a period of grace that expired before 1 September 1994.

- “(3) Subclause (2) does not apply to a person who:
- (a) applied for review by a review officer, the Immigration Review Tribunal or the Refugee Review Tribunal; and
 - (b) left Australia within 7 days of being notified of the decision on the application for review.

“(4) Subject to subclause (5), a person is affected by a risk factor if the person left Australia as:

- (a) an unlawful non-citizen; or
- (b) the holder of a bridging visa class C, D or E.

“(5) Subclause (4) does not apply to a person if:

- (a) the person left Australia within 28 days after a substantive visa held by the person ceased to be in effect or an entry permit held by the person expired, as the case requires; or
- (b) a bridging visa held by the person at the time of departure was granted:
 - (i) within 28 days after a substantive visa held by the person ceased to be in effect or an entry permit held by the person expired, as the case requires; or
 - (ii) while the person held another bridging visa granted:
 - (A) while the person held a substantive visa; or
 - (B) within 28 days after a substantive visa held by the person ceased to be in effect or an entry permit held by the person expired, as the case may be.”.

SCHEDULE 3—continued**“PART 2—CONDITIONS APPLICABLE TO CERTAIN
SUBCLASSES OF VISAS FOR THE PURPOSES OF
SUBCLAUSE 4013 (2)**

Column 1	Column 2	Column 3
Item No.	Visa Subclass	Conditions
4051	410 (Retirement)	8101
4052	419 (Visiting Academic)	8103
4053	425 (Family Relationship)	8101
4054	432 (Expatriate)	8101
4055	442 (Occupational Trainee)	8202 or 8102
4056	560 (Student)	8101, 8104, 8105, 8202, 8501, 8517 or 8518
4057	562 (Iranian Postgraduate Student)	8105, 8202, 8501 or 8517
4058	563 (Iranian Postgraduate Student (Dependant))	8104, 8501 or 8518
4059	661 (Tourist (Special Arrangements))	8101 or 8201
4060	670 (Tourist (Short Stay))	8101 or 8201
4061	672 (Business Visitor (Short Stay))	8201
4062	673 (Close Family Visitor (Short Stay))	8101 or 8201
4063	674 (Visitor (Other) (Short Stay))	8101 or 8201
4064	675 (Medical Treatment (Short Stay))	8101 or 8201
4065	676 (Tourist (Short Stay))	8101 or 8201
4066	680 (Tourist)	8101 or 8201
4067	682 (Business Visitor)	8201
4068	683 (Close Family Visitor)	8101 or 8201
4069	684 (Visitor (Other))	8101 or 8201
4070	685 (Medical)	8101 or 8201
4071	686 (Tourist (Long Stay))	8101 or 8201
4072	771 (Transit)	8101 or 8201
4073	956 (Electronic Travel Authority (Business Entrant—Long Validity))	8201
4074	976 (Electronic Travel Authority (Visitor))	8101 or 8201
4075	977 (Electronic Travel Authority (Business Entrant—Short Validity))	8201”.

SCHEDULE 4

Regulation 15

AMENDMENTS OF SCHEDULE 5 TO THE MIGRATION REGULATIONS

1. Schedule 5

1.1 Part 1 (heading):

Omit the heading, substitute:

“SPECIAL RETURN CRITERIA”

1.2 Clause 5001:

Omit the clause, substitute:

“5001. The applicant is not:

- (a) a person who left Australia while the subject of a deportation order under:
 - (i) section 200 of the Act; or
 - (ii) section 55, 56 or 57 of the Act as in force on and after 19 December 1989 but before 1 September 1994; or
 - (iii) section 12, 13 or 14 of the Act as in force before 19 December 1989; or
- (b) a person whose visa has been cancelled under subsection 501 (1) of the Act because the Minister, having regard to the person’s past criminal conduct, was satisfied that the person was not of good character.”.

1.3 Clause 5002:

Omit the clause, substitute:

“5002. If the applicant is a person who has been removed from Australia under section 198, 199 or 205 of the Act:

- (a) the application is made more than 12 months after the removal; or
- (b) the Minister is satisfied that, in the particular case:
 - (i) compelling circumstances that affect the interests of Australia; or

SCHEDULE 4—continued

(ii) compassionate or compelling circumstances that affect the interests of an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen;
justify the granting of the visa within 12 months after the removal.”.

1.4 Clauses 5003 to 5009:

Omit the clauses.

1.5 Paragraph 5010 (1) (c):

Omit the paragraph, substitute:

“(c) the Minister is satisfied that, in the particular case:

- (i) compelling circumstances that affect the interests of Australia; or
 - (ii) compassionate or compelling circumstances that affect the interests of an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen;
- justify the waiver of the requirements of paragraphs (a) and (b).”.

1.6 Subclause 5010 (2):

Omit the subclause, substitute:

“(2) In subclause (1), ‘**subsidised course**’ means a course of studies lasting more than 12 months undertaken with the approval of the Minister for the time being administering AusAID.”.

1.7 Part 2:

Omit the Part.

"SCHEDULE 5

Regulation 18

MINOR AND FORMAL AMENDMENTS OF THE MIGRATION REGULATIONS

Provision	Omit	Substitute
Regulation 1.03— definition of "AusAID"	Foreign Affairs;	Foreign Affairs and includes the Australian International Development Assistance Bureau (AIDAB);
Regulation 1.03— definition of "Education"	Employment, Education and Training;	Employment, Education, Training and Youth Affairs;
Regulation 1.03— definition of "Education Minister"	Employment, Education and Training;	Employment, Education, Training and Youth Affairs;
Regulation 1.03— definition of "Immigration"	Ethnic Affairs;	Multicultural Affairs;
Regulation 1.03— definition of "Industry Minister"	Industry, Science and Technology;	Industry, Science and Tourism;
Regulation 4.29	paragraph 458 (b)	subsection 458 (2)
Schedule 2—		
Paragraph 129.216 (b) (second occurring)	(b) to maintain direct	(c) to maintain direct
Paragraph 130.214 (b) (second occurring)	(b) to maintain direct	(c) to maintain direct
Paragraph 209.322 (b)	special re-entry	special return
Paragraph 210.215 (a)	application and	application; and
Clause 210.227	custody of	custody or

SCHEDULE 5—continued

Provision	Omit	Substitute
Subparagraph 212.213 (d) (i)	applicants	applicant's
Clause 412.325	special re-entry	special return
Clause 424.228	special re-entry	special return
Clause 424.326	special re-entry	special return
Clause 423.221	432.229.	423.229.
Clause 430.324	returnntry	return
Subparagraph 560.312 (1) (a) (iii)	(Temporary visa);	(Temporary) visa;
Schedule 10—		
Form 1	Immigration and Ethnic Affairs	Immigration and Multicultural Affairs
Form 2	Immigration and Ethnic Affairs	Immigration and Multicultural Affairs
Form 2, paragraph (a)	Act;	Act; or
Form 2, paragraph (b)	person;	person; or
Form 2, subparagraph (c) (i)	from the time	from time
Form 3	Immigration and Ethnic Affairs	Immigration and Multicultural Affairs".

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 5 June 1996.
2. Statutory Rules 1994 No. 268 as amended by 1994 Nos. 280, 322, 376 and 452; 1995 Nos. 3, 38, 117, 134, 268, 302 and 411; 1996 No. 12.