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Migration Amendment Regulations 1999 (No. 15)

Statutory Rules 1999 No. 4

321

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Migration Act 1958*.

Dated 15 DEC 1999 1999.

WILLIAM DEANE
Governor-General

By His Excellency's Command,

PHILIP RUDDOCK
Minister for Immigration and Multicultural Affairs



Migration Amendment Regulations 1999 (No. 1)¹

15

Statutory Rules 1999 No. 1²

321

made under the

Migration Act 1958

Contents

	Page
1 Name of Regulations	3
2 Commencement	3
3 Amendment of <i>Migration Regulations 1994</i>	3
4 Amendment of <i>Migration Amendment Regulations 1999 (No. 11)</i>	4
5 Amendment of <i>Migration Amendment Regulations 1999 (No. 14)</i>	4
6 Transitional	4

1999, 1

Migration Amendment Regulations 1999 (No. 1)

1

321 15

	Page
Schedule 1 Amendments of <i>Migration Regulations 1994</i> taken to have commenced on 20 October 1999	5
Schedule 2 Amendment of <i>Migration Amendment Regulations 1999 (No. 11)</i> taken to have commenced on 31 October 1999	9
Schedule 3 Amendments of <i>Migration Amendment Regulations 1999 (No. 14)</i> taken to have commenced on 31 October 1999	10
Schedule 4 Amendment of <i>Migration Regulations 1994</i> taken to have commenced on 1 November 1999	11
Schedule 5 Amendments of <i>Migration Regulations 1994</i> commencing on 16 December 1999	12

1 Name of Regulations

These Regulations are the *Migration Amendment Regulations 1999 (No. 1)*.

15

2 Commencement

These Regulations commence, or are taken to have commenced, as follows:

- (a) on 20 October 1999 — subregulation 3 (1), regulation 6 and Schedule 1;
- (b) on 31 October 1999 — regulations 4 and 5 and Schedules 2 and 3;
- (c) on 1 November 1999 — subregulation 3 (2) and Schedule 4;
- (d) on 16 December 1999 — subregulation 3 (3) and Schedule 5;
- (e) on gazettal — the remainder.

3 Amendment of *Migration Regulations 1994*

- (1) Schedule 1 amends the *Migration Regulations 1994*.
- (2) Schedule 4 amends the *Migration Regulations 1994*.
- (3) Schedule 5 amends the *Migration Regulations 1994*.

4 Amendment of *Migration Amendment Regulations 1999 (No. 11)*

Schedule 2 amends the *Migration Amendment Regulations 1999 (No. 11)*.

5 Amendment of *Migration Amendment Regulations 1999 (No. 14)*

Schedule 3 amends the *Migration Amendment Regulations 1999 (No. 14)*.

6 Transitional

- (1) The amendments of the *Migration Regulations 1994* made by items [101], [107] and [108] of Schedule 1 do not apply in relation to a person:
 - (a) who applied for a Protection (Class AZ) visa before 20 October 1999; and
 - (b) whose application was not finally determined (within the meaning of subsection 5 (9) of the *Migration Act 1958*) before that day.
- (2) If:
 - (a) a person is taken to have applied for a Protection (Class AZ) visa as an additional applicant under paragraph 2.08A (1) (e) of the *Migration Regulations 1994*; and
 - (b) the original applicant in relation to the additional applicant applied for a Protection (Class AZ) visa before 20 October 1999;the *Migration Regulations 1994*, as in force immediately before 20 October 1999, apply in relation to the application taken to have been made by the person as an additional applicant.

**Schedule 1 Amendments of *Migration Regulations 1994* taken to
have commenced on
20 October 1999**

(subregulation 3 (1))

[101] Regulation 1.03, definition of *relative*, paragraph (a)

omit

(Class AZ)

insert

(Class XA)

[102] Paragraph 2.12 (1) (c)

substitute

(c) Protection (Class XA);

[103] Paragraph 2.20 (7) (b)

substitute

(b) who has:

(i) on or after 1 September 1994:

(A) made a Protection (Class AZ) visa application that is not finally determined; or

(B) applied for judicial review of a decision to refuse a Protection (Class AZ) visa; or

-
- (ii) on or after 20 October 1999:
 - (A) made a Protection (Class XA) visa application that is not finally determined; or
 - (B) applied for judicial review of a decision to refuse a Protection (Class XA) visa; and

[104] Paragraph 2.20 (8) (b)

substitute

- (b) who has:
 - (i) on or after 1 September 1994:
 - (A) made a Protection (Class AZ) visa application that is not finally determined; or
 - (B) applied for judicial review of a decision to refuse a Protection (Class AZ) visa; or
 - (ii) on or after 20 October 1999:
 - (A) made a Protection (Class XA) visa application that is not finally determined; or
 - (B) applied for judicial review of a decision to refuse a Protection (Class XA) visa; and

[105] Paragraph 2.20 (9) (b)

substitute

- (b) who has:
 - (i) on or after 1 September 1994:
 - (A) made a Protection (Class AZ) visa application that is not finally determined; or

-
- (B) applied for judicial review of a decision to refuse a Protection (Class AZ) visa; or
 - (ii) on or after 20 October 1999:
 - (A) made a Protection (Class XA) visa application that is not finally determined; or
 - (B) applied for judicial review of a decision to refuse a Protection (Class XA) visa; and

[106] Paragraph 2.20 (10) (b)

substitute

- (b) who has:
 - (i) on or after 1 September 1994:
 - (A) made a Protection (Class AZ) visa application that is not finally determined; or
 - (B) applied for judicial review of a decision to refuse a Protection (Class AZ) visa; or
 - (ii) on or after 20 October 1999:
 - (A) made a Protection (Class XA) visa application that is not finally determined; or
 - (B) applied for judicial review of a decision to refuse a Protection (Class XA) visa; and

[107] Paragraphs 4.31A (1) (a) and (b)*omit*

(Class AZ)

insert

(Class XA)

[108] Subregulation 4.33 (1)*omit*

(Class AZ)

insert

(Class XA)

[109] Schedule 2, after paragraph 773.213 (2) (zf)*insert*

(zfa) Protection (Class XA);

Schedule 2 **Amendment of *Migration
Amendment Regulations 1999
(No. 11)* taken to have
commenced on 31 October
1999**
(regulation 4)

[201] Schedule 1, Part 3, item [1301]

omit

After Part 110

insert

Before Part 120

Schedule 3 **Amendments of *Migration
Amendment Regulations 1999
(No. 14)* taken to have
commenced on 31 October
1999**

(regulation 5)

[301] Schedule 1, item [3]

omit

Schedule 2, before Part 120

insert

**Schedule 2, after Part 117 (as inserted by Statutory
Rules 1999 No. 259)**

[302] Schedule 1, item [5]

omit

Schedule 2, after Part 851

insert

Schedule 2, before Part 866

Schedule 4 **Amendment of *Migration Regulations 1994* taken to
have commenced on
1 November 1999**

(subregulation 3 (2))

[401] Paragraph 1.05A (2) (d)

substitute

(d) a Protection (Class XA) visa; or

**Schedule 5 Amendments of *Migration
Regulations 1994*
commencing on
16 December 1999**

(subregulation 3 (3))

[501] Paragraph 2.33 (k)

omit

Act;

insert

Act; or

[502] After paragraph 2.33 (k)

insert

(l) a crisis payment under Part 2.23A of the *Social Security Act 1991*;

[503] Paragraph 2.38 (1) (k)

omit

Act;

insert

Act; or

[504] After paragraph 2.38 (1) (k)

insert

- (l) a crisis payment under Part 2.23A of the *Social Security Act 1991*;

[505] Schedule 2, paragraph 010.211 (4) (b)

after

Protection (Class AZ)

insert

or Protection (Class XA)

[506] Schedule 2, subparagraph 010.611 (1) (b) (i)

after

Protection (Class AZ)

insert

or Protection (Class XA)

[507] Schedule 2, paragraph 010.611 (2) (a)

substitute

- (a) applies for:
- (i) a Protection (Class AZ) visa in the period from 1 July 1997 to the end of 19 October 1999; or
 - (ii) a Protection (Class XA) visa on or after 20 October 1999; and

[508] Schedule 2, sub-subparagraph 010.611 (2) (c) (ii) (A)

after

Protection (Class AZ)

insert

or Protection (Class XA)

[509] Schedule 2, paragraph 020.611 (1) (a)

after

Protection (Class AZ)

insert

or Protection (Class XA)

[510] Schedule 2, paragraph 020.611 (2) (a)

substitute

(a) applies for:

- (i) a Protection (Class AZ) visa in the period from 1 July 1997 to the end of 19 October 1999; or
- (ii) a Protection (Class XA) visa on or after 20 October 1999; and

[511] Schedule 2, sub-subparagraph 020.611 (2) (c) (ii) (A)

after

Protection (Class AZ)

insert

or Protection (Class XA)

[512] Schedule 2, paragraph 030.212 (3) (b)

omit everything before subparagraph (i), insert

- (b) in the case of an applicant for a Protection (Class AZ) visa in the period from 1 July 1997 to the end of 19 October 1999, or for a Protection (Class XA) visa on or after 20 October 1999 — either:

[513] Schedule 2, paragraph 050.212 (8) (b)

omit everything before subparagraph (i), insert

- (b) in the case of an applicant for a Protection (Class AZ) visa in the period from 1 July 1997 to the end of 19 October 1999, or for a Protection (Class XA) visa on or after 20 October 1999 — either:

[514] Schedule 2, paragraph 050.613A (1) (a)

substitute

- (a) applies for:
 - (i) a Protection (Class AZ) visa in the period from 1 July 1997 to the end of 19 October 1999; or
 - (ii) a Protection (Class XA) visa on or after 20 October 1999; and

[515] Schedule 2, paragraph 051.611A (1) (a)

substitute

- (a) applies for:
 - (i) a Protection (Class AZ) visa in the period from 1 July 1997 to the end of 19 October 1999; or
 - (ii) a Protection (Class XA) visa on or after 20 October 1999; and

Notes

1. These Regulations amend 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 Nos. 12, 75 (regulations 7 and 8 were disallowed by the Senate on 11 September 1996), 76, 108, 121, 135, 198, 211 (regulations 4, 10, 11, 13.3, 14-37, 47-49, 51, 53-55, 74, 77.16, 77.19, 78, 85, 119 and 114 were disallowed by the Senate on 7 November 1996) and 276; 1997 Nos. 17, 64, 91, 92, 109, 137, 184, 185, 216, 263, 279, 288, 301 and 354; 1998 Nos. 36, 37, 104 (regulation 15 was disallowed by the Senate on 2 July 1998), 139, 210, 214, 284, 285 (disallowed by the Senate on 31 March 1999), 304, 305, 306 and 322; 1999 Nos. 8, 58, 64, 68 (as amended by 1999 Nos. 81 and 132), 76 (as amended by 1999 Nos. 81 and 132), 81 (as amended by 1999 No. 132), 82, 132, 155, 198, 220 (as amended by 1999 No. 259), 243, 259 and 260.

2. Made by the Governor-General on *L* 1999, and notified in *15 December*
the *Commonwealth of Australia Gazette* on *L* 1999. *15 December*

*These Regulations also amend (in Schedule 2)
Statutory Rules 1999 No. 220 (as amended by 1999 No. 259).*

*These Regulations also amend (in Schedule 3)
Statutory Rules 1999 No. 260.*