



Migration Amendment Regulations 2000 (No. 2)

Statutory Rules 2000 No. 62

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 27 April 2000

WILLIAM DEANE
Governor-General

By His Excellency's Command

PHILIP RUDDOCK
Minister for Immigration and Multicultural Affairs



Migration Amendment Regulations 2000 (No. 2)¹

Statutory Rules 2000 No. 62²

made under the

Migration Act 1958

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1 Name of Regulations

These Regulations are the *Migration Amendment Regulations 2000 (No. 2)*.

2 Commencement

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

- (a) on 1 November 1999 — regulations 1, 2 and 3, and Schedule 1;
- (b) on 28 April 2000 — Schedule 2;
- (c) on 1 July 2000 — regulation 4 and Schedule 3.

3 Amendment of *Migration Regulations 1994*

Schedules 1, 2 and 3 amend the *Migration Regulations 1994*.

4 Transitional

- (1) The amendments made by items [3105], [3106], [3116], [3121], [3126], [3213], [3215], [3217], [33001], [33011], [33020], [33036], [33047], [33048], [33064] and [33071] to [33082] of Schedule 3 to these Regulations apply only in relation to an application for a visa made on or after 1 July 2000.
- (2) The amendments made by items [33083] to [33085] of Schedule 3 to these Regulations apply in relation to an application for a Temporary Business Entry (Class UC) visa:
 - (a) made, but not finally determined (within the meaning of subsection 5 (9) of the *Migration Act 1958*), before 1 July 2000; or
 - (b) made on or after 1 July 2000.

- (3) The amendment made by item [33032] of Schedule 3 to these Regulations applies in relation to an application for a Bridging E (Class WE) visa:
- (a) made, but not finally determined (within the meaning of subsection 5 (9) of the *Migration Act 1958*), before 1 July 2000; or
 - (b) made on or after 1 July 2000.
- (4) The amendments made by items [33051], [33096] to [33099] and [33124] to [33127] of Schedule 3 to these Regulations apply in relation to an application for a visa:
- (a) made, but not finally determined (within the meaning of subsection 5 (9) of the *Migration Act 1958*), before 1 July 2000; or
 - (b) made on or after 1 July 2000.
- (5) If an application for a visa of one of the following classes was made before 1 July 2000, but was not finally determined (within the meaning of subsection 5 (9) of the *Migration Act 1958*) before that date, the *Migration Regulations 1994*, as in force immediately before 1 July 2000, continue to apply in relation to the application:
- (a) Change in Circumstance (Residence) (Class AG);
 - (b) Family (Residence) (Class AO);
 - (c) Family of New Zealand Citizen (Migrant) (Class AP);
 - (d) Former Citizen (Migrant) (Class AQ);
 - (e) Former Resident (Migrant) (Class AR).
- (6) If:
- (a) an application for a visa of a class mentioned in paragraph (5) (a), (b), (c), (d) or (e) was made before 1 July 2000; and
 - (b) after the application is made, but before it is decided, the applicant makes a request to the Minister to have the applicant's spouse, or a dependent child, added to the applicant's application (whether or not the request is made before 1 July 2000); and

- (c) under paragraph 2.08A (1) (e), the spouse, or dependent child, is taken to have applied for a visa of the same class as the applicant —

the *Migration Regulations 1994*, as in force immediately before 1 July 2000, apply in relation to the application taken to have been made by the spouse or dependent child.

- (7) Subject to subregulation (8), the amendments made by items [33087], [33091], [33110], [33113] to [33115], [3401], [3402] and [3506] of Schedule 3 to these Regulations apply in relation to an application for a visa made on or after 1 July 2000.

- (8) If:

- (a) an application for a visa was made before 1 July 2000; and
- (b) after the application is made, but before it is decided, the applicant makes a request to the Minister to have a member of the family unit of the applicant who has not turned 18 (the ***additional applicant***), added to the applicant's application (whether or not the request is made before 1 July 2000); and
- (c) under paragraph 2.08A (1) (e), the additional applicant is taken to have applied for a visa of the same class as the applicant —

the *Migration Regulations 1994*, as in force immediately before 1 July 2000, apply in relation to the application taken to have been made by the additional applicant.

Schedule 1 Amendments taken to have commenced on 1 November 1999

(regulation 3)

Part 1.1 Amendments

[1101] Subregulation 1.15A (4)

omit

paragraph (3) (aa), (ab), (ac), (ad) or (ae),

insert

paragraph (3) (ab), (ad), (ae), (af) or (ag),

[1102] Schedule 1, subitem 1124 (1)

substitute

(1) Form: 47 or 47PA.

[1103] Schedule 2, paragraph 804.311 (a)

substitute

(a) has applied for an Aged Parent (Residence) (Class BP) visa; and

[1104] Schedule 2, paragraph 832.311 (a)

substitute

(a) has applied for a Family (Residence) (Class AO) visa; and

Part 1.2 Additional amendments of Schedule 2

[1201] Additional amendments

<i>Provision</i>	<i>omit</i>	<i>insert</i>
Subparagraph 801.311 (b) (ii)	General (Residence) (Class AS) visa	Partner (Residence) (Class BS) visa
Subparagraph 820.311 (a) (i)	General (Residence) (Class AS) visa	Partner (Residence) (Class BS) visa
Sub-subparagraph 820.311 (a) (ii) (B)	General (Residence) (Class AS) visa	Partner (Residence) (Class BS) visa
Clause 826.311	General (Residence) (Class AS) visa	Partner (Residence) (Class BS) visa

Schedule 2 Amendments commencing on 28 April 2000

(regulation 3)

[201] Paragraph 1.20A (d)

substitute

- (d) prescribed grounds for cancellation of approvals as a business sponsor.

[202] Paragraph 1.20D (5) (b)

substitute

- (b) on cancellation of the approval under section 137B of the Act;

[203] Paragraph 1.20D (6) (c)

substitute

- (c) on cancellation of the approval under section 137B of the Act;

[204] Regulation 1.20F

substitute

1.20F Prescribed grounds for cancellation of approval as a business sponsor (Act s 137B)

For the purposes of subsection 137B (1) of the Act, the following grounds are prescribed:

- (a) the person has not complied, or is not complying, with the undertakings given by the person in accordance with approved form 1067;

-
- (b) the person does not continue to satisfy the requirements for approval as a pre-qualified business sponsor or standard business sponsor;
 - (c) the person gave incorrect information to Immigration in relation to:
 - (i) the application under regulation 1.20C for approval as a pre-qualified business sponsor or a standard business sponsor; or
 - (ii) any other matter relating to the person.

Note If the Minister decides to cancel an approval of a person as a business sponsor, the Minister is to give the person a written notice of the decision: see section 137D of the Act.

[205] Paragraph 4.02 (4) (c)

substitute

- (c) a decision under section 137B of the Act to cancel the approval of a person as a business sponsor;

[206] Schedule 1, after paragraph 1129A (3) (b)

insert

- (c) Application (except an application taken to be made under regulation 2.08A) must be made on or before 28 April 2000.

[207] Schedule 2, clause 866.227

omit

The applicant

insert

Unless clause 866.227A applies, the applicant

[208] Schedule 2, after clause 866.227

insert

866.227A The applicant is a non-citizen in respect of whom the Minister has made a determination under subsection 91L (1) of the Act.

Schedule 3 Amendments commencing on 1 July 2000

(regulation 3)

Part 3.1 Amendments of Parts 1, 2, 4 and 5

[3101] Regulation 1.03, after definition of *AusAID student*

insert

Australian child order has the meaning given by subsection 70L (1) of the *Family Law Act 1975*.

Note Subsection 70L (1) of the *Family Law Act 1975* provides that an *Australian child order* means:

- (a) a residence order, a contact order or a care order; or
- (b) a State child order within the meaning of section 70B of that Act.

[3102] Regulation 1.03, before definition of *close relative*

insert

client number means a client identification number generated by Immigration's electronic system known as the Integrated Client Services Environment.

[3103] Paragraph 1.15A (3) (ab)

substitute

- (ab) a Special Eligibility (Residence) (Class AO) visa;
or

[3104] Division 1.4B, heading

substitute

**Division 1.4B Limitation on certain
sponsorships and
nominations**

[3105] After regulation 1.20J

insert

**1.20K Limitation on sponsorships and
nominations — remaining relative visas**

- (1) The Minister must not grant a Subclass 115 visa to an applicant if the Minister is satisfied that a Subclass 104 visa, a Subclass 115 visa, a Subclass 806 visa or a Subclass 835 visa has previously been granted:
 - (a) to the person (*person S*) who is the sponsor of the applicant; or
 - (b) to another person on the basis of sponsorship or nomination by person S.
- (2) The Minister must not grant a Subclass 835 visa to an applicant if the Minister is satisfied that a Subclass 104 visa, a Subclass 115 visa, a Subclass 806 visa or a Subclass 835 visa has previously been granted:
 - (a) to the person (*person N*) who is the nominator of the applicant; or
 - (b) to another person on the basis of sponsorship or nomination by person N.
- (3) A reference in this regulation to a Subclass 104 visa or a Subclass 806 visa is a reference to a Subclass 104 (Preferential Family) visa or a Subclass 806 (Family) visa, as the case requires, that could have been granted under these Regulations, as in force immediately before 1 November 1999.

**1.20L Limitation on approval of sponsorship —
short stay sponsored visitor visas**

- (1) The Minister must not approve the sponsorship by a sponsor of an applicant for a Short Stay Sponsored (Visitor) (Class UL) visa if:
 - (a) the sponsor has previously sponsored another applicant (the *previous applicant*) for a Short Stay Sponsored (Visitor) (Class UL) visa; and
 - (b) the previous applicant was granted a visa of that kind; and
 - (c) either:
 - (i) subject to subregulations (2) and (3), the visa is still in effect; or
 - (ii) if the visa has ceased to be in effect:
 - (A) the previous applicant did not comply with a condition of the visa; and
 - (B) a period of 5 years has not passed since the grant of the visa.
- (2) Despite subparagraph (1) (c) (i), the Minister may approve the sponsorship by the sponsor of the applicant if:
 - (a) the previous applicant is the holder of a Subclass 459 (Sponsored Business Visitor (Short Stay)) visa; and
 - (b) the Minister is satisfied that:
 - (i) the applicant is proposing to travel to Australia at the same time, and for the same business purposes, as the previous applicant; or
 - (ii) the applicant:
 - (A) is the spouse, or a dependent child, of the previous applicant; and
 - (B) is proposing to travel to Australia at the same time as the previous applicant.

- (3) Despite subparagraph (1) (c) (i), the Minister may approve the sponsorship by the sponsor of the applicant if:
- (a) the previous applicant is the holder of a Subclass 679 (Sponsored Family Visitor (Short Stay)) visa; and
 - (b) the Minister is satisfied that the applicant:
 - (i) is a member of the family unit of the previous applicant; and
 - (ii) is proposing to travel to Australia for the same purpose as the previous applicant.

[3106] After regulation 2.06

insert in Division 2.2

2.06A Definition

In this Division:

a diplomatic, consular or migration office maintained by or on behalf of the Commonwealth outside Australia means a diplomatic office, consular office (other than a consular office headed by an honorary consul) or migration office maintained by or on behalf of the Commonwealth outside Australia.

[3107] After regulation 2.10

insert

2.10A Notice of lodgment of application — person in immigration detention

- (1) This regulation applies in the case of an application for a Bridging E (Class WE) visa that is made by a person who is in immigration detention (the *applicant*).
- (2) The person lodging the application (whether or not the person is the applicant) must give written notice of the application to an officer of Immigration appointed by

the Secretary to be a detention review officer in the State or Territory in which the applicant is detained.

[3108] Paragraph 2.12 (1) (a)

substitute

- (a) Special Eligibility (Residence) (Class AO);

[3109] After regulation 2.12

insert in Division 2.2

**2.12A Safe third country and prescribed connection
(Act s 91D)**

- (1) For the purposes of paragraph 91D (1) (a) of the Act, PRC is a safe third country in relation to a person who:
- (a) either:
- (i) is, or has been, a Vietnamese refugee settled in PRC; or
- (ii) is a close relative of, or is dependent on, a person who is, or has been, a Vietnamese refugee settled in PRC;
- as covered by the agreement between Australia and PRC; and
- (b) entered Australia without lawful authority on or after 1 January 1996.
- (2) For the purposes of paragraph 91D (1) (b) of the Act, a person mentioned in subregulation (1) has a prescribed connection with PRC if the person, or a parent of the person, resided in PRC at any time before the person entered Australia.
- (3) In this regulation:
- (a) ***agreement between Australia and PRC*** means the agreement constituted by the Memorandum of Understanding the English text of which is set out in Schedule 11, together with the exchange of

letters between representatives of Australia and PRC dated 18 February 2000 and 19 February 2000 the text of which is set out in Schedule 12;

- (b) the use of the word *Vietnamese* is as a reference to nationality or country of origin and not as an ethnic description.

Note 1 **PRC** is defined in regulation 1.03.

Note 2 This regulation ceases to be in force at the end of 30 June 2002 — see subsection 91D (4) of the Act.

[3110] Regulation 2.12BA

omit

[3111] Paragraph 2.13 (4) (c)

substitute

- (c) one of the following:
- (i) the applicant's client number;
 - (ii) the Immigration file number;
 - (iii) the number of the receipt issued by Immigration when the visa application was made; and

[3112] Paragraph 2.20 (7) (b)

substitute

- (b) if:
- (i) on or after 1 September 1994:
 - (A) the non-citizen made a Protection (Class AZ) visa application that is not finally determined; or
 - (B) the non-citizen applied for judicial review of a decision to refuse a Protection (Class AZ) visa; or
 - (C) the Minister has applied for judicial review of a decision in relation to the

-
- non-citizen's Protection (Class AZ) visa application; or
- (ii) on or after 20 October 1999:
- (A) the non-citizen made a Protection (Class XA) visa application that is not finally determined; or
 - (B) the non-citizen applied for judicial review of a decision to refuse a Protection (Class XA) visa; or
 - (C) the Minister has applied for judicial review of a decision in relation to the non-citizen's Protection (Class XA) visa application; and

[3113] Paragraph 2.20 (8) (b)

substitute

- (b) if:
- (i) on or after 1 September 1994:
 - (A) the non-citizen made a Protection (Class AZ) visa application that is not finally determined; or
 - (B) the non-citizen applied for judicial review of a decision to refuse a Protection (Class AZ) visa; or
 - (C) the Minister has applied for judicial review of a decision in relation to the non-citizen's Protection (Class AZ) visa application; or
 - (ii) on or after 20 October 1999:
 - (A) the non-citizen made a Protection (Class XA) visa application that is not finally determined; or
 - (B) the non-citizen applied for judicial review of a decision to refuse a Protection (Class XA) visa; or
 - (C) the Minister has applied for judicial review of a decision in relation to the

non-citizen's Protection (Class XA)
visa application; and

[3114] Paragraph 2.20 (9) (b)

substitute

- (b) if:
- (i) on or after 1 September 1994:
 - (A) the non-citizen made a Protection (Class AZ) visa application that is not finally determined; or
 - (B) the non-citizen applied for judicial review of a decision to refuse a Protection (Class AZ) visa; or
 - (C) the Minister has applied for judicial review of a decision in relation to the non-citizen's Protection (Class AZ) visa application; or
 - (ii) on or after 20 October 1999:
 - (A) the non-citizen made a Protection (Class XA) visa application that is not finally determined; or
 - (B) the non-citizen applied for judicial review of a decision to refuse a Protection (Class XA) visa; or
 - (C) the Minister has applied for judicial review of a decision in relation to the non-citizen's Protection (Class XA) visa application; and

[3115] Paragraph 2.20 (10) (b)

substitute

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

- (B) the non-citizen applied for judicial review of a decision to refuse a Protection (Class AZ) visa; or
 - (C) the Minister has applied for judicial review of a decision in relation to the non-citizen's Protection (Class AZ) visa application; or
- (ii) on or after 20 October 1999:
- (A) the non-citizen made a Protection (Class XA) visa application that is not finally determined; or
 - (B) the non-citizen applied for judicial review of a decision to refuse a Protection (Class XA) visa; or
 - (C) the Minister has applied for judicial review of a decision in relation to the non-citizen's substantive visa application; and

[3116] After regulation 2.21A

insert

2.21B Grant of Bridging A (Class WA), Bridging C (Class WC) and Bridging E (Class WE) visas without application

- (1) This regulation applies if a non-citizen who is in Australia, but not in immigration clearance, has made:
- (a) a valid application for a visa on form 157P or form 601; or
 - (b) a valid oral application for a Long Stay (Visitor) (Class TN) visa;
- and the application has not been finally determined.

- (2) Despite anything in Schedule 1, the Minister may grant the non-citizen a Bridging A (Class WA) visa, a Bridging C (Class WC) visa or a Bridging E (Class WE) visa if the Minister is satisfied that:
- (a) at the time of decision, the non-citizen meets:
 - (i) the criteria to be satisfied by an applicant for the visa at the time of application; and
 - (ii) the criteria to be satisfied by an applicant for the visa at the time of decision; and
 - (b) the circumstances applicable to the grant exist in relation to the non-citizen.

[3117] Paragraph 2.22 (1) (a)

after
immigration
insert
or criminal

[3118] Paragraph 2.22 (1) (d)

omit
section 48A
insert
section 48 or 48A

[3119] Paragraphs 2.40 (1) (n) and (na)

substitute
(n) transit passengers who are citizens of a country specified in a Gazette Notice for the purpose of this paragraph;

[3120] Subregulation 2.40 (11)

omit

or (na)

[3121] Paragraph 2.43 (1) (c)

omit

[3122] After subparagraph 2.43 (1) (i) (i)

insert

- (ia) a Subclass 459 (Sponsored Business Visitor (Short Stay)) visa; or

[3123] After subparagraph 2.43 (1) (j) (i)

insert

- (ia) a Subclass 679 (Sponsored Family Visitor (Short Stay)) visa; or

[3124] Sub-subparagraph 2.43 (1) (l) (ii) (B)

omit

sponsor.

insert

sponsor;

[3125] After paragraph 2.43 (1) (l)

insert

- (m) that the Minister reasonably suspects that the holder of the visa has committed an offence under section 232A, 233, 233A, 234 or 236 of the Act.

[3126] Paragraph 2.43 (2) (a)

omit

paragraphs (1) (a), (b) and (c)

insert

paragraphs (1) (a) and (b)

[3127] Paragraph 2.52 (4) (c)

substitute

- (c) one of the following:
 - (i) the applicant's client number;
 - (ii) the Immigration file number;
 - (iii) the number of the receipt issued by Immigration when the visa application was made;

[3128] Paragraph 2.53 (3) (c)

substitute

- (c) one of the following:
 - (i) the applicant's client number;
 - (ii) the Immigration file number;
 - (iii) the number of the receipt issued by Immigration when the visa application was made;

[3129] Subregulation 4.23 (1)

omit everything before paragraph (a), insert

- (1) This regulation applies to review of a decision to refuse to grant a Short Stay Sponsored (Visitor) (Class UL) visa, a Long Stay (Visitor) (Class TN) visa or a Short Stay (Visitor) (Class TR) visa if and only if:

[3130] Subregulation 5.20 (2)

substitute

- (2) For the purposes of paragraph 504 (1) (j) of the Act, the penalty to be paid as an alternative to prosecution for a contravention of section 229 or 230 of the Act is:
- (a) in the case of a natural person — \$3 000; or
 - (b) in the case of a body corporate — \$5 000.

Note Section 137 permits the Secretary to require information from the holder of a business visa. Section 229 prohibits the carrying of persons to Australia without visas. Section 230 makes it an offence to have an unlawful non-citizen concealed on a vessel entering Australia.

[3131] Paragraph 5.38 (1) (a)

omit

(other than a Subclass 426 (Domestic Worker (Diplomatic or Consular)) visa);

insert

(other than a Subclass 426 (Domestic Worker (Diplomatic or Consular)) visa or a Short Stay Sponsored (Visitor) (Class UL) visa);

Part 3.2 Amendments of Schedule 1

[3201] Item 1107

omit

[3202] Item 1115, heading

substitute

1115. Special Eligibility (Residence) (Class AO)

[3203] Items 1116 and 1117

omit

[3204] Item 1118, heading

substitute

1118. Special Eligibility (Migrant) (Class AR)

[3205] Paragraph 1118 (3) (b)

omit

Former Resident (Migrant) (Class AR) visa

insert

Special Eligibility (Migrant) (Class AR) visa

[3206] After item 1217

insert

1217A. Short Stay Sponsored (Visitor) (Class UL)

- (1) Form: 48R or 456.
- (2) Visa application charge:
 - (a) First instalment (payable at the time application is made): \$60
 - (b) Second instalment (payable before grant of visa): Nil.
- (3) Other:
 - (a) Application must be made outside Australia.
 - (b) Applicant must be outside Australia.
 - (c) Application by the spouse or a dependent child of an applicant (the **primary applicant**) who appears to the Minister, on the basis of information contained in the primary applicant's application, to meet the requirements for the grant of a Subclass 459 (Sponsored Business Visitor (Short Stay)) visa may be made at the same time and place as, and combined with, the application by the primary applicant.
 - (d) Application by a person included in the passport of another applicant who appears to the Minister, on the basis of information contained in the other applicant's application, to meet the requirements for the grant of a Subclass 679 (Sponsored Family Visitor (Short Stay)) visa may be made at the same time and place as, and combined with, the application by that other applicant.
- (4) Subclasses:
 - 459 (Sponsored Business Visitor (Short Stay))
 - 679 (Sponsored Family Visitor (Short Stay))

[3207] Paragraph 1222 (1) (a)

before

157W

insert

157S,

[3208] Subparagraph 1222 (1) (b) (iii)

omit

157Y

insert

157S or 157Y.

[3209] Subparagraph 1223A (3) (ab) (ii)

substitute

(ii) proposes:

- (A) to develop in Australia a business activity that will be conducted by the applicant as a principal and will be of benefit to Australia; or
- (B) to be employed in Australia in an activity nominated by a person under paragraph 1.20G (1) (d);

[3210] Subitem 1225 (1)

substitute

(1) Form: 147 or 1150.

[3211] Paragraphs 1225 (3) (a) and (b)

substitute

- (a) Application must be made outside Australia.
- (b) Applicant must be outside Australia.

[3212] Paragraph 1225 (3) (c)

omit

either the primary or secondary criteria.

insert

the primary criteria.

[3213] Subitem 1301 (1)

omit

157P, 157Y, 601,

insert

157S, 157Y,

[3214] Paragraph 1301 (3) (c)

substitute

(c) Either:

- (i) the applicant has made a valid application for a substantive visa that has not been finally determined; or
- (ii) application has been made, within statutory time limits, for judicial review of a decision in relation to the applicant's substantive visa application, and the judicial review proceedings (including proceedings on appeal, if any) have not been completed.

[3215] Subitem 1303 (1)

omit

157Y, 601,

insert

157S, 157Y,

[3216] Subparagraph 1303 (3) (c) (ii)

substitute

(ii) both of the following apply:

(A) application has been made, within statutory time limits, for judicial review of a decision in relation to the applicant's substantive visa application, and the judicial proceedings (including proceedings on appeal, if any) have not been completed;

(B) the applicant held a Bridging C (Class WC) visa granted on the basis of the applicant's substantive visa application.

[3217] Subitem 1305 (1)

omit

157Y, 601,

insert

157S, 157Y,

[3218] Paragraph 1305 (3) (c)

omit

subregulation 4.32 (2)

insert

subregulation 2.10A (2)

Part 3.3 Amendments of Schedule 2

[33001] Paragraph 010.211 (2) (d)

substitute

- (d) either:
- (i) he or she has applied for a bridging visa in respect of that application; or
 - (ii) a bridging visa can be granted in respect of that application under regulation 2.21B.

[33002] Paragraph 010.211 (3) (b)

substitute

- (b) either:
- (i) the applicant, or the Minister, has applied, within statutory time limits, for judicial review of a decision in relation to the applicant's substantive visa application; or
 - (ii) the applicant:
 - (A) is a member of the family unit of a person whose substantive visa application is the subject of the judicial review proceedings mentioned in subparagraph (i); and
 - (B) made a substantive visa application that was combined with the substantive visa application mentioned in subparagraph (i); and

[33003] Paragraph 010.211 (6) (c)

substitute

- (c) either:
- (i) the applicant, or the Minister, has applied, within statutory time limits, for judicial

review of a decision in relation to the applicant's substantive visa application as the holder of a Bridging A (Class WA) or Bridging B (Class WB) visa; or

(ii) the applicant:

(A) is a member of the family unit of a person whose substantive visa application is the subject of the judicial review proceedings mentioned in subparagraph (i); and

(B) made a substantive visa application that was combined with the substantive visa application mentioned in subparagraph (i); and

[33004] Subparagraph 010.511 (b) (vi)

omit

cancellation.

insert

cancellation; or

[33005] After subparagraph 010.511 (b) (vi)

insert

(vii) if the holder is notified by Immigration that the substantive visa application is invalid — 28 days after the notification; or

(viii) if a review authority remits the application for the substantive visa to the Minister for reconsideration — permitting the holder of the bridging visa to remain in Australia in accordance with the relevant provision of this paragraph.

[33006] Clause 010.513

omit

granted to a non-citizen who has applied for

insert

granted to a non-citizen on the basis of

[33007] Subparagraph 010.513 (b) (i)

substitute

- (i) subject to paragraph (c), 28 days after the judicial review proceedings (including proceedings on appeal, if any) are completed; or

[33008] Subparagraph 010.513 (b) (iv)

omit

cancellation.

insert

cancellation; and

[33009] After paragraph 010.513 (b)

insert

- (c) if a court remits a matter to which the judicial review proceedings relate to a review authority, or to the Minister, for reconsideration—permitting the holder to remain in Australia in accordance with the relevant provision of paragraph 010.511 (b).

[33010] After clause 010.513

insert

010.514 In the case of a visa granted to a non-citizen on the basis that the non-citizen is a member of the family

unit of a party to judicial review proceedings —
bridging visa:

- (a) coming into effect:
 - (i) on grant; or
 - (ii) when the substantive visa (if any) held by the holder ceases; and
- (b) permitting the holder to remain in Australia until the expiry of the bridging visa held by the party to the judicial review proceedings.

[33011] Paragraphs 010.611 (4) (a) and (b)

substitute

- (a) the visa held by the holder:
 - (i) at the time of application; or
 - (ii) if the bridging visa is granted under regulation 2.21B, at the time of grant; or
- (b) if the visa mentioned in subparagraph (a) (i) has ceased, or no visa is held by the holder at the time of grant — the last Bridging A (Class WA) or Bridging B (Class WB) visa held by the holder.

[33012] Paragraph 020.212 (3) (c)

substitute

- (c) either:
 - (i) the applicant, or the Minister, has applied, within statutory time limits, for judicial review of a decision in relation to the applicant's substantive visa application, and the judicial review proceedings (including proceedings on appeal, if any) have not been completed; or
 - (ii) the applicant:
 - (A) is a member of the family unit of a person whose substantive visa application is the subject of the

- judicial review proceedings mentioned in subparagraph (i); and
- (B) made a substantive visa application that was combined with the substantive visa application mentioned in subparagraph (i); and

[33013] Paragraph 020.212 (5) (c)

substitute

- (c) either:
- (i) the applicant, or the Minister, has applied, within statutory time limits, for judicial review of a decision in relation to the applicant's substantive visa application; or
- (ii) the applicant:
- (A) is a member of the family unit of a person whose substantive visa application is the subject of the judicial review proceedings mentioned in subparagraph (i); and
- (B) made a substantive visa application that was combined with the substantive visa application mentioned in subparagraph (i); and

[33014] Subparagraph 020.511 (b) (vi)

omit

cancellation; and

insert

cancellation; or

[33015] After subparagraph 020.511 (b) (vi)

insert

- (vii) if the holder is notified by Immigration that the substantive visa application is invalid — 28 days after the notification; or
- (viii) if a review authority remits the application for the substantive visa to the Minister for reconsideration — permitting the holder of the bridging visa to remain in Australia in accordance with the relevant provision of this paragraph; and

[33016] Clause 020.512

omit

granted to a non-citizen who has applied for

insert

granted to a non-citizen on the basis of

[33017] Subparagraph 020.512 (b) (i)

substitute

- (i) subject to paragraph (ba), 28 days after the judicial review proceedings (including proceedings on appeal, if any) are completed; or

[33018] After paragraph 020.512 (b)

insert

- (ba) if a court remits a matter to which the judicial review proceedings relate to a review authority, or to the Minister, for reconsideration — permitting the holder to remain in Australia in accordance with the relevant provision of paragraph 020.511 (b); and

[33019] After clause 020.512

insert

- 020.513 In the case of a visa granted to a non-citizen on the basis that the non-citizen is a member of the family unit of a party to judicial review proceedings — bridging visa:
- (a) coming into effect:
 - (i) on grant; or
 - (ii) when the substantive visa (if any) held by the holder ceases; and
 - (b) permitting the holder to remain in Australia until the expiry of the bridging visa held by the party to the judicial review proceedings.

[33020] Paragraph 030.212 (2) (ba)

substitute

- (ba) either:
 - (i) the bridging visa can be granted in respect of that application under regulation 2.21B; or
 - (ii) that application was made at the same time, and on the same form, as the bridging visa application; and

[33021] Paragraph 030.212 (5) (b)

substitute

- (b) either:
 - (i) the applicant, or the Minister, has applied, within statutory time limits, for judicial review of a decision in relation to the applicant's substantive visa application; or
 - (ii) the applicant:
 - (A) is a member of the family unit of a person whose substantive visa application is the subject of the

- judicial review proceedings
mentioned in subparagraph (i); and
- (B) made a substantive visa application
that was combined with the
substantive visa application
mentioned in subparagraph (i); and

[33022] Subparagraph 030.511 (b) (v)

omit

withdrawal.

insert

withdrawal; or

[33023] After subparagraph 030.511 (b) (v)

insert

- (vi) if the holder is notified by Immigration
that the substantive visa application is
invalid — 28 days after the notification; or
- (vii) if a review authority remits the application
for the substantive visa to the Minister for
reconsideration — permitting the holder of
the bridging visa to remain in Australia in
accordance with the relevant provision of
this paragraph.

[33024] Clause 030.512

omit

granted to a non-citizen who has applied for

insert

granted to a non-citizen on the basis of

[33025] Subparagraph 030.512 (b) (i)

substitute

- (i) subject to paragraph (c), 28 days after the judicial review proceedings (including proceedings on appeal, if any) are completed; or

[33026] Subparagraph 030.512 (b) (iv)

omit

cancellation.

insert

cancellation; and

[33027] After paragraph 030.512 (b)

insert

- (c) if a court remits a matter to which the judicial review proceedings relate to a review authority, or to the Minister, for reconsideration — permitting the holder to remain in Australia in accordance with the relevant provision of paragraph 030.511 (b).

[33028] After clause 030.512

insert

030.513 In the case of a visa granted to a non-citizen on the basis that the non-citizen is a member of the family unit of a party to judicial review proceedings — bridging visa:

- (a) coming into effect:
 - (i) on grant; or
 - (ii) when the substantive visa (if any) held by the holder ceases; and

- (b) permitting the holder to remain in Australia until the expiry of the bridging visa held by the party to the judicial review proceedings.

[33029] Subdivision 040.21, after heading

insert

Note In circumstances set out in regulation 2.22, a non-citizen is taken under that regulation to have applied for a Bridging D (Class WD) visa.

[33030] Clause 040.212

omit

[33031] Subclause 050.212 (1)

after

subclause (2), (3), (3A), (4),

insert

(4AA),

[33032] Paragraph 050.212 (3A) (b)

substitute

- (b) either:
- (i) the applicant has applied for judicial review of a decision to refuse to grant the visa and the judicial proceedings (including any proceedings on appeal) have not been completed; or
 - (ii) the Minister has applied for judicial review of a decision in relation to a refusal to grant the applicant's substantive visa, and the judicial review proceedings (including any proceedings on appeal) have not been completed.

[33033] After paragraph 050.212 (4) (a)

insert

- (aa) the Minister has applied for judicial review of a decision in relation to the applicant's substantive visa application, other than a decision relating to a refusal to grant the substantive visa; or

[33034] After subclause 050.212 (4)

insert

- (4AA) An applicant meets the requirements of this subclause if:
 - (a) the applicant is a member of the family unit of a person whose substantive visa application is the subject of the judicial review proceedings mentioned in:
 - (i) paragraph (3A) (b); or
 - (ii) paragraph (4) (a); or
 - (iii) paragraph (4) (aa); or
 - (iv) paragraph (4) (d); and
 - (b) the person whose substantive visa application is the subject of the judicial review proceedings is not a party to a representative proceeding; and
 - (c) the applicant made a substantive visa application that was combined with the substantive visa application mentioned in:
 - (i) paragraph (3A) (a); or
 - (ii) subclause (4).

[33035] Paragraph 050.212 (9) (c)

substitute

- (c) either:
 - (i) the applicant, or the Minister, has applied, within statutory time limits, for judicial

review of a decision in relation to the applicant's substantive visa application; or

(ii) the applicant:

(A) is a member of the family unit of a person whose substantive visa application is the subject of the judicial review proceedings mentioned in subparagraph (i); and

(B) made a substantive visa application that was combined with the substantive visa application mentioned in subparagraph (i);

and the applicant or family unit member does not satisfy the criterion in paragraph 010.211 (6) (c) for the grant of a Bridging A (Class WA) visa; and

[33036] Paragraph 050.222 (3) (a)

substitute

(a) an officer who is authorised by the Secretary for the purposes of this clause was not available to interview the applicant:

(i) at the time of application; or

(ii) if the bridging visa could be granted under regulation 2.21B, at the time of decision; and

[33037] Paragraph 050.511 (a)

omit

; and:

insert

; and

[33038] Sub-subparagraph 050.511 (b) (iii) (B)

omit

28 days after notification of the decision of

[33039] Subparagraph 050.511 (b) (v)

omit

application.

insert

application; or

[33040] After subparagraph 050.511 (b) (v)

insert

- (vi) if the holder is notified by Immigration that the substantive visa application is invalid — 28 days after the notification; or
- (vii) if a review authority remits the application for the substantive visa to the Minister for reconsideration — permitting the holder of the bridging visa to remain in Australia in accordance with the relevant provision of this paragraph.

[33041] After clause 050.511

insert

050.511A In the case of a visa granted to a non-citizen on the basis that the non-citizen is a member of the family unit of a party to judicial review proceedings — bridging visa:

- (a) coming into effect on grant; and
- (b) permitting the holder to remain in Australia until the expiry of the bridging visa held by the party to the judicial review proceedings.

[33042] Clause 050.512

omit

subparagraph 050.212 (3A) (b) (ii),

insert

paragraph 050.212 (3A) (b),

[33043] Paragraph 050.512 (a)

omit

; and:

insert

; and

[33044] Subparagraph 050.512 (b) (ii)

substitute

- (ii) subject to paragraph (c), 28 days after the judicial review proceedings (including proceedings on appeal, if any) are completed; or

[33045] Subparagraph 050.512 (b) (iv)

omit

struck out.

insert

struck out; and

[33046] After paragraph 050.512 (b)

insert

- (c) if a court remits a matter to which the judicial review proceedings relate to a review authority, or to the Minister, for reconsideration — permitting the holder to remain in Australia in

accordance with the relevant provision of paragraph 050.511 (b).

[33047] Paragraph 050.611 (a)

substitute

- (a) either:
- (i) applied for a substantive visa at the same time and on the same form as he or she applied for the bridging visa; or
 - (ii) applied for a substantive visa in respect of which the bridging visa is granted under regulation 2.21B; and

[33048] Paragraph 050.611 (c)

omit

the application referred to in paragraph (a):

insert

the application for the substantive visa;

[33049] Paragraph 050.611B (a)

substitute

- (a) condition 8401 must be imposed; and

[33050] Clause 050.612A

substitute

- 050.612A (1) This clause applies to a visa that is granted to an applicant (whether or not the applicant is an applicant to whom another clause in this Division would otherwise apply) who:
- (a) meets the requirements of 1 or more of the following:
 - (i) subparagraph 050.212 (3A) (b) (i);

- (ii) subparagraph 050.212 (3A) (b) (ii);
 - (iii) paragraph 050.212 (4) (a);
 - (iv) paragraph 050.212 (4) (aa);
 - (v) paragraph 050.212 (4) (d);
 - (vi) subclause 050.212 (4AA);
 - (vii) subclause 050.212 (6);
 - (viii) subclause 050.212 (9); and
- (b) does not meet the requirements of subclause 050.212 (6A).
- (2) Condition 8101 must be imposed.
- (3) Any 1 or more of conditions 8201, 8401, 8403, 8505, 8506, 8507, 8508, 8510, 8511 and 8512 may be imposed.

[33051] Paragraph 051.213 (b)

substitute

- (b) the health criteria in clauses 866.223, 866.224, 866.224A and 866.224B.

[33052] Paragraph 051.511 (d)

omit

withdrawal.

insert

withdrawal; or

[33053] After paragraph 051.511 (d)

insert

- (e) if the holder is notified by Immigration that the protection visa application is invalid — 28 days after the notification; or
- (f) if a review authority remits the application for the protection visa to the Minister for

reconsideration — permitting the holder of the bridging visa to remain in Australia in accordance with the relevant provision of this clause.

[33054] Clause 051.512

omit

granted to a non-citizen who has lodged an application for

insert

granted to a non-citizen on the basis of

[33055] Paragraph 051.512 (b)

substitute

- (b) subject to paragraph (d), 28 days after the judicial review proceedings (including proceedings on appeal, if any) are completed; or

[33056] Paragraph 051.512 (c)

omit

withdrawal.

insert

withdrawal; or

[33057] After paragraph 051.512 (c)

insert

- (d) if a court remits a matter to which the judicial review proceedings relate to a review authority, or to the Minister, for reconsideration — permitting the holder to remain in Australia in accordance with the relevant provision of clause 051.511.

[33058] Division 101.1

substitute

101.1 Interpretation

101.111 In this Part:

New Zealand citizen means:

- (a) an eligible New Zealand citizen; or
- (b) a New Zealand citizen who intends to be usually resident in Australia and, on entry to Australia, will be the holder of a Special Category (Temporary) (Class TY) visa.

Note *eligible New Zealand citizen*, *dependent child* and *step-child* are defined in regulation 1.03, *adoption* is defined in regulation 1.04, and *spouse* is defined in regulation 1.15A.

[33059] Paragraph 101.211 (1) (a)

omit

Australian permanent resident or eligible New Zealand citizen;

insert

an Australian permanent resident or a New Zealand citizen;

[33060] Subparagraph 101.211 (1) (c) (i)

omit

eligible

[33061] Subparagraph 101.211 (1) (c) (ii)

omit each mention of

Australian permanent resident or eligible New Zealand citizen

insert

an Australian permanent resident or a New Zealand citizen

[33062] Paragraph 101.212 (b)

omit

an eligible New Zealand citizen;

insert

a New Zealand citizen;

[33063] Paragraph 101.212 (c)

substitute

(c) is:

- (i) the Australian citizen, Australian permanent resident or New Zealand citizen mentioned in subclause 101.211 (1); or
- (ii) the cohabiting spouse of the Australian citizen, Australian permanent resident or New Zealand citizen mentioned in subclause 101.211 (1).

[33064] Paragraph 115.212 (a)

substitute

- (a) if the Australian relative has turned 18 and is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen — by the Australian relative; or

[33065] Subclause 117.211 (2)

omit

or an eligible New Zealand citizen.

insert

, an eligible New Zealand citizen or a New Zealand citizen who intends to be usually resident in Australia and, on entry to Australia, will be the holder of a Special Category (Temporary) (Class TY) visa.

[33066] Subparagraph 117.212 (b) (ii)

substitute

- (ii) the spouse is an Australian citizen, an Australian permanent resident, an eligible New Zealand citizen or a New Zealand citizen who intends to be usually resident in Australia and, on entry to Australia, will be the holder of a Special Category (Temporary) (Class TY) visa; and

[33067] Part 150

omit

[33068] Clause 151.211

substitute

- 151.211 (1) The applicant meets the requirements of subclause (2) or (3).
- (2) An applicant meets the requirements of this subclause if the applicant:
- (a) spent the greater part of his or her life before the age of 18 in the migration zone as an Australian permanent resident; and
 - (b) did not at any time acquire Australian citizenship; and
 - (c) has maintained business, cultural or personal ties with Australia; and
 - (d) has not turned 45 at the time of application.
- (3) An applicant meets the requirements of this subclause if the applicant:
- (a) has completed at least 3 months continuous Australian defence service; or
 - (b) was discharged before completing 3 months of Australian defence service because the applicant was medically unfit for service, or further

service, and became medically unfit because of the applicant's Australian defence service.

(4) In this clause:

Australian defence service means:

- (a) service in the Military Forces of the Commonwealth under a notice served under section 26 of the *National Service Act 1951* as in force at any time before 26 November 1964; or
- (b) service before 19 January 1981:
 - (i) in the Permanent Forces; or
 - (ii) by a member of the armed forces of a foreign country on secondment to, or duty with, the Permanent Forces if the member was a permanent resident of Australia during the period of service.

the Permanent Forces has the same meaning as it has in the *Defence Act 1903*.

[33069] Clause 151.612

omit

8205

insert

8502

[33070] Part 152

omit

[33070A] Subclause 302.111 (1), definition of *remaining criteria*, paragraph (a)

substitute

- (a) the public interest criteria (except public interest criteria 4015, 4016, 4017 and 4018); and

[33071] Division 417.1

substitute

417.1 Interpretation

417.111 In this Part:

working holiday visa means a visa or entry permit of any of the following classes or kinds:

- (a) a visa that:
 - (i) was issued under the Migration (1989) Regulations; and
 - (ii) contained an endorsement describing the visa as a working holiday visa (code T18) or a working holiday visa (code number 417);
- (b) a class 417 (working holiday) visa and entry permit within the meaning of the Migration (1993) Regulations;
- (c) a Working Holiday (Temporary) (Class TZ) visa;
- (d) a visa that was granted:
 - (i) before 19 December 1989; and
 - (ii) in accordance with the law in force at the time; and
 - (iii) for the same purpose as a visa or permit mentioned in paragraph (a), (b) or (c).

[33072] Clauses 417.211 and 417.212

omit

[33073] Clause 417.214

substitute

417.214 An applicant meets the requirements of this clause if:

- (a) the applicant has turned 18 but has not turned 31; and

- (b) the applicant is a citizen of a country specified by a Gazette Notice mentioned in paragraph 417.215 (a) or (b).

[33074] Clause 417.215

substitute

417.215 The application is made:

- (a) if the applicant is a citizen of a country specified by Gazette Notice for the purpose of this paragraph — in any country (except Australia); and
- (b) if the applicant is a citizen of a country specified by Gazette Notice for the purpose of this paragraph — in the country of which the applicant is a citizen.

[33075] Paragraph 417.216 (c)

omit

Australia; and

insert

Australia.

[33076] Paragraph 417.216 (d)

omit

[33077] Clause 417.217

omit

Subclass 417 visa.

insert

working holiday visa.

[33078] Clauses 417.218 and 417.219

omit

[33079] Clause 417.221

substitute

417.221 The applicant:

- (a) continues to satisfy the criteria in clauses 417.213 and 417.215 to 417.217; and
- (b) satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4010, 4013 and 4014.

[33080] Clause 417.222

omit

If the application is lodged outside Australia, and if

insert

If

[33081] Clauses 417.411 and 417.412

substitute

417.411 The applicant must be outside Australia at the time of grant.

[33082] Clause 417.611

substitute

417.611 Conditions 8108 and 8201.

[33083] Paragraph 457.223 (4) (e)

substitute

- (e) the applicant demonstrates (if so required by the Minister) that he or she has the skills necessary to perform the activity; and
- (f) the applicant has personal attributes and an employment background that are relevant to, and consistent with, the nature of the activity to be performed.

[33084] After paragraph 457.223 (5) (ea)

insert

- (eb) the applicant has personal attributes and an employment background that are relevant to, and consistent with, the nature of the activity to be performed; and

[33085] Paragraphs 457.223 (6) (d) and (e)

substitute

- (d) the applicant demonstrates (if so required by the Minister) that he or she has the skills necessary to perform the activity; and
- (da) the applicant has personal attributes and an employment background that are relevant to, and consistent with, the nature of the activity to be performed; and
- (e) where the activity is not a key activity, the Minister is satisfied that the position to be filled by the applicant has not been created only for the purposes of securing the entry of the applicant to Australia; and

[33086] After Part 457

insert

**Subclass 459 Sponsored Business
Visitor (Short Stay)**

459.1 Interpretation

Note *AusAID Minister*, *AusAID recipient*, *AusAID student*, *Australian permanent resident*, *dependent child* and *settled* are defined in regulation 1.03, *sponsor* is defined in regulation 1.20, and *spouse* is defined in regulation 1.15A. There are no interpretation provisions specific to this Part.

459.2 Primary criteria

Note The primary criteria must be satisfied by at least one member of a family unit. The other members of the family unit who are applicants for a visa of this subclass need satisfy only the secondary criteria.

459.21 Criteria to be satisfied at time of application

459.211 The applicant:

- (a) seeks to enter Australia temporarily for business purposes; and
- (b) has personal attributes and business background that are relevant to, and consistent with, the nature of the applicant's proposed business in Australia; and
- (c) demonstrates that there is need for the applicant to be in Australia for business purposes; and
- (d) proposes in the application to remain in Australia for not more than 3 months; and
- (e) has adequate funds for personal support during the period of the proposed visit to Australia.

459.212 The applicant does not intend to engage in activities that will have adverse consequences for employment or training opportunities, or conditions of

employment, for Australian citizens or Australian permanent residents.

- 459.213 The applicant does not intend to engage in:
- (a) any course:
 - (i) leading to the completion of a primary or secondary education program; or
 - (ii) leading to a 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 educational institution within or outside Australia.
- 459.214 The applicant is sponsored by:
- (a) a settled Australian citizen, or a settled Australian permanent resident, who:
 - (i) is a member of the Commonwealth Parliament or a State Parliament; or
 - (ii) is a member of the Legislative Assembly of the Australian Capital Territory or the Northern Territory; or
 - (iii) holds the office of mayor; or
 - (b) a Commonwealth government agency or instrumentality or a State or Territory government agency or instrumentality.

459.22 Criteria to be satisfied at time of decision

- 459.221 The applicant continues to satisfy the criteria in clauses 459.211 to 459.214.
- 459.222 The sponsorship referred to in subclause 459.214 has been approved by the Minister and is still in force.
- 459.223 The applicant satisfies the Minister that the expressed intention of the applicant only to visit Australia temporarily for business purposes is genuine.

- 459.224 A security has been lodged, if asked for by an officer authorised under section 269 of the Act (which deals with security for compliance with the Act).
- 459.225 (1) If the applicant is an AusAID student or an AusAID recipient, the applicant has the support of the AusAID Minister for the grant of the visa.
- (2) The Minister may waive the requirements of subclause (1) if the Minister is satisfied that, in the particular case, waiver is justified by:
- (a) compelling circumstances that affect the interests of Australia; or
- (b) compassionate or compelling circumstances that affect the interests of an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen.
- 459.226 The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4011, 4013 and 4014.
- 459.227 If the applicant has previously been in Australia, the applicant satisfies special return criteria 5001 and 5002.
- 459.228 The Minister is satisfied that the applicant intends to comply with any conditions subject to which the visa is granted.

459.3 Secondary criteria

459.31 Criteria to be satisfied at time of application

- 459.311 The applicant is the spouse, or a dependent child, of a person who is an applicant for a Subclass 459 visa who seeks a visa to remain in Australia temporarily for a period of 3 months or less.
- 459.312 The sponsorship referred to in clause 459.214 in respect of the person who satisfies the primary criteria includes sponsorship of the applicant.

-
- 459.313 The applicant does not intend to engage in:
- (a) any course:
 - (i) leading to the completion of a primary or secondary education program; or
 - (ii) leading to a 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 educational institution within or outside Australia.

459.32 Criteria to be satisfied at time of decision

- 459.321 The applicant is the spouse, or a dependent child, of a person who, having satisfied the primary criteria, is the holder of a Subclass 459 visa.
- 459.322 The sponsorship referred to in clause 459.214 in respect of the person who satisfies the primary criteria:
- (a) includes sponsorship of the applicant; and
 - (b) has been approved by the Minister; and
 - (c) is still in force.
- 459.323 A security has been lodged, if asked for by an officer authorised under section 269 of the Act (which deals with security for compliance with the Act).
- 459.324 The applicant, or the person who satisfies the primary criteria, produces to the Minister evidence of adequate means to support the applicant during the period of stay applied for by the applicant.
- 459.325 The applicant satisfies the Minister that the expressed intention of the applicant only to visit Australia is genuine.
- 459.326 (1) If the applicant is an AusAID student or an AusAID recipient, the applicant has the support of the AusAID Minister for the grant of the visa.

(2) The Minister may waive the requirements of subclause (1) if the Minister is satisfied that, in the particular case, waiver is justified by:

- (a) compelling circumstances that affect the interests of Australia; or
- (b) compassionate or compelling circumstances that affect the interests of an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen.

459.327 The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4011, 4013 and 4014.

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

459.329 If the applicant has not turned 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.

459.4 Circumstances applicable to grant

459.411 The applicant must be outside Australia at the time of grant.

459.5 When visa is in effect

459.511 Temporary visa permitting the holder:

- (a) to travel to and enter Australia on 1 occasion until a date specified by the Minister for the purpose; and
- (b) to remain in Australia for a period (not longer than 3 months after the date of entry) specified by the Minister for the purpose.

459.6 Conditions

459.611 If the applicant satisfies the primary criteria, conditions 8112, 8205, 8503 and 8531.

- 459.612 If the applicant satisfies the primary criteria, condition 8106 may be imposed.
- 459.613 If the applicant is the spouse of the person who satisfies the primary criteria for a Subclass 459 visa and the applicant satisfies the secondary criteria, conditions 8101, 8205, 8503 and 8531.
- 459.614 If the applicant is a dependent child of the person who satisfies the primary criteria for a Subclass 459 visa and the applicant satisfies the secondary criteria, conditions 8205, 8503 and 8531.
- 459.615 If the applicant is a dependent child of the person who satisfies the primary criteria for a Subclass 459 visa and the applicant satisfies the secondary criteria, condition 8101 may be imposed.

459.7 Way of giving evidence

- 459.711 Visa label affixed to a valid passport.

[33087] Paragraphs 676.221 (2) (d) and (5) (d)

substitute

- (d) in the case of an applicant who has not turned 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant; and

[33088] Paragraph 676.611 (a)

substitute

- (a) conditions 8201 and 8205 must be imposed; and

[33089] Paragraph 676.613 (a)

substitute

- (a) conditions 8101, 8201 and 8205 must be imposed; and

[33090] After Part 676

insert

**Subclass 679 Sponsored Family
Visitor (Short Stay)**

679.1 Interpretation

Note *AusAID Minister, AusAID recipient, AusAID student, Australian permanent resident, relative* and *settled* are defined in regulation 1.03, *member of the family unit* is defined in regulation 1.12, and *sponsor* is defined in regulation 1.20. There are no interpretation provisions specific to this Part.

679.2 Primary criteria

Note All applicants must satisfy the primary criteria.

679.21 Criteria to be satisfied at time of application

679.211 The applicant seeks to visit Australia:

- (a) for the purpose of visiting an Australian citizen, or Australian permanent resident, who is a parent, spouse, child, brother or sister of the applicant; or
- (b) for a purpose other than a purpose related to business or medical treatment.

679.212 The applicant has adequate funds, or access to adequate funds, for personal support during the period of the proposed visit to Australia.

679.213 The period of stay in Australia proposed in the application does not exceed 3 months.

679.214 The applicant is sponsored by:

- (a) a settled Australian citizen, or a settled Australian permanent resident, who:
 - (i) is:
 - (A) a relative of the applicant; or

- (B) a relative of a person who:
 - (I) is a member of the family unit of the applicant; and
 - (II) is also an applicant for a Subclass 679 visa; and
- (ii) has turned 18; or
- (b) a settled Australian citizen, or a settled Australian permanent resident, who:
 - (i) is a member of the Commonwealth Parliament or a State Parliament; or
 - (ii) is a member of the Legislative Assembly of the Australian Capital Territory or the Northern Territory; or
 - (iii) holds the office of mayor; or
- (c) a Commonwealth government agency or instrumentality or a State or Territory government agency or instrumentality.

679.22 Criteria to be satisfied at time of decision

679.221 The applicant continues to satisfy the criteria in clauses 679.211 to 679.214.

679.222 The sponsorship referred to in subclause 679.214 has been approved by the Minister and is still in force.

679.223 If:

- (a) the applicant's sponsor is a settled Australian citizen or a settled Australian permanent resident; and
- (b) the applicant is not a relative of the sponsor, but is included in the sponsorship on the basis that the applicant is a member of the family unit of a person who:
 - (i) is an applicant for a Subclass 679 visa; and
 - (ii) is sponsored by the sponsor; and
 - (iii) is a relative of the sponsor —the person has been granted a Subclass 679 visa.

- 679.224 The applicant satisfies the Minister that the expressed intention of the applicant only to visit Australia is genuine.
- 679.225 If the applicant has not turned 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.
- 679.226 (1) If the applicant is an AusAID student or an AusAID recipient, the applicant has the support of the AusAID Minister for the grant of the visa.
- (2) The Minister may waive the requirements of subclause (1) if the Minister is satisfied that, in the particular case, waiver is justified by:
- (a) compelling circumstances that affect the interests of Australia; or
- (b) compassionate or compelling circumstances that affect the interests of an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen.
- 679.227 A security has been lodged, if asked for by an officer authorised under section 269 of the Act (which deals with security for compliance with the Act).
- 679.228 The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4011, 4012, 4013 and 4014.
- 679.229 If the applicant has previously been in Australia, the applicant satisfies special return criteria 5001 and 5002.
- 679.230 The Minister is satisfied that the applicant intends to comply with any conditions subject to which the visa is granted.

679.3 Secondary criteria: Nil

Note All applicants must satisfy the primary criteria.

679.4 Circumstances applicable to grant

- 679.411 The applicant must be outside Australia at the time of grant.

679.5 When visa is in effect

679.511 Temporary visa permitting the holder:

- (a) to travel to and enter Australia on 1 occasion until a date specified by the Minister for the purpose; and
- (b) to remain in Australia for a period (not longer than 3 months after the date of entry) specified by the Minister for the purpose.

679.6 Conditions

679.611 Conditions 8101, 8205, 8503 and 8531.

679.7 Way of giving evidence

679.711 Visa label affixed to a valid passport.

[33091] Paragraph 686.221 (2) (d)

substitute

- (d) in the case of an applicant who has not turned 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant; and

[33092] Paragraphs 773.213 (2) (m) and (n)

substitute

- (n) Special Eligibility (Migrant) (Class AR);

[33093] Paragraphs 773.213 (2) (p) and (r)

omit

[33094] Paragraph 773.213 (2) (t)

substitute

- (t) Special Eligibility (Residence) (Class AO);

[33095] Paragraph 773.213 (2) (zg)

omit

(Class BE) (Class BE)

insert

(Class BE)

[33096] Clause 785.224

substitute

785.224 The applicant has undergone a medical examination carried out by any of the following (a ***relevant medical practitioner***):

- (a) a Medical Officer of the Commonwealth;
- (b) a medical practitioner approved by the Minister for the purposes of this paragraph;
- (c) a medical practitioner employed by an organisation approved by the Minister for the purposes of this paragraph.

[33097] Paragraph 785.225 (b)

omit

Commonwealth Medical Officer

insert

relevant medical practitioner

[33098] Subparagraph 785.225 (c) (i)

omit

Commonwealth Medical Officer

insert

relevant medical practitioner

[33099] After clause 785.225

insert

785.225A A relevant medical practitioner:

- (a) has considered:
 - (i) the results of any tests carried out for the purposes of the medical examination required under clause 785.224; and
 - (ii) the radiological report (if any) required under clause 785.225 in respect of the applicant; and
- (b) if he or she is not a Medical Officer of the Commonwealth and considers that the applicant has a disease or condition that is, or may result in the applicant being, a threat to public health in Australia or a danger to the Australian community, has referred any relevant results and reports to a Medical Officer of the Commonwealth.

785.225B If a Medical Officer of the Commonwealth considers that the applicant has a disease or condition that is, or may result in the applicant being, a threat to public health in Australia or a danger to the Australian community, arrangements have been made, on the advice of the Medical Officer of the Commonwealth, to place the applicant under the professional supervision of a health authority in a State or Territory to undergo any necessary treatment.

[33100] Paragraph 802.311 (a)

substitute

- (a) has applied for a Special Eligibility (Residence) (Class AO) visa; and

[33101] Paragraph 831.311 (a)

substitute

- (a) has applied for a Special Eligibility (Residence) (Class AO) visa; and

[33102] Division 832.1, note

omit

is defined

insert

and *entry permit* are defined

[33103] Clause 832.211

substitute

- 832.211 (1) The applicant meets the requirements of subclause (2) or (3).
- (2) An applicant meets the requirements of this subclause if the applicant:
- (a) is the holder of a substantive visa, other than a Subclass 771 (Transit) visa; or
- (b) is not the holder of a substantive visa, and immediately before ceasing to hold a substantive visa, was not the holder of a Subclass 771 (Transit) visa.
- (3) An applicant meets the requirements of this subclause if:
- (a) the applicant:
- (i) is a person who:
- (A) was in Australia on 1 September 1994; and
- (B) was, immediately before 1 September 1994, a person to whom section 37 of the Act as in

-
- force immediately before that date applied; and
- (C) has not been granted a substantive visa on or after 1 September 1994; or
 - (ii) is a person to whom section 48 of the Act applies; and
- (b) the applicant has not been refused a visa or had a visa cancelled under section 501 of the Act; and
 - (c) the applicant:
 - (i) has turned 18; and
 - (ii) ceased to hold an entry permit or a substantive visa before turning 18; and
 - (iii) immediately before ceasing to hold a substantive visa, did not hold a Subclass 771 (Transit) visa; and
 - (iv) before turning 18, spent the greater part of the period that the Minister regards as the applicant's formative years in Australia.

[33104] Subclause 832.212 (1)

substitute

- (1) If the applicant meets the requirements in subclause 832.211 (2), the applicant meets the requirements of subclause (2), (4) or (5).

[33105] Subclause 832.212 (3)

omit

[33106] Paragraph 832.212 (4) (b)

omit

a substantive visa

insert

an entry permit or a substantive visa

[33107] Paragraph 832.212 (5) (b)

omit

Subdivision 150.21, 151.21 or 152.21.

insert

Subdivision 151.21.

[33108] Paragraph 832.221 (2) (a)

omit

subclause 832.212 (2) or (3);

insert

subclause 832.212 (2);

[33109] Paragraph 832.221 (3) (a)

omit

subclause 832.212 (4);

insert

subclause 832.211 (3) or 832.212 (4);

[33110] Clause 832.223

substitute

832.223 If a person (in this clause called the ***additional applicant***):

- (a) is a member of the family unit of the applicant;
and
- (b) has not turned 18; and
- (c) made a combined application with the applicant —

public interest criteria 4015 and 4016 are satisfied in relation to the additional applicant.

832.223A If the applicant has not turned 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.

[33111] Paragraph 832.311 (a)

substitute

- (a) has applied for a Special Eligibility (Residence) (Class AO) visa; and

[33112] Part 833

omit

[33113] Clause 835.225

substitute

835.225 If a person (in this clause called the ***additional applicant***):

- (a) is a member of the family unit of the applicant;
and
- (b) has not turned 18; and
- (c) made a combined application with the applicant —

public interest criteria 4015 and 4016 are satisfied in relation to the additional applicant.

- 835.226 If the applicant has not turned 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.

[33114] Clause 836.225

substitute

- 836.225 If a person (in this clause called the ***additional applicant***):

- (a) is a member of the family unit of the applicant; and
- (b) has not turned 18; and
- (c) made a combined application with the applicant —

public interest criteria 4015 and 4016 are satisfied in relation to the additional applicant.

- 836.226 If the applicant has not turned 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.

[33115] Clause 838.225

substitute

- 838.225 If a person (in this clause called the ***additional applicant***):

- (a) is a member of the family unit of the applicant; and
- (b) has not turned 18; and
- (c) made a combined application with the applicant —

public interest criteria 4015 and 4016 are satisfied in relation to the additional applicant.

838.226 If the applicant has not turned 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.

[33116] Subparagraphs 855.211 (1) (a) (iii), (iv) and (v)

substitute

- (iii) Short Stay Sponsored (Visitor) (Class UL);
- (iv) Short Stay (Visitor) (Class TR);
- (v) Special Category (Temporary) (Class TY);
- (vi) Special Tourist (Visitor) (Class TS); or

[33117] Sub-subparagraphs 855.211 (2) (b) (i) (C), (D) and (E)

substitute

- (C) Short Stay Sponsored (Visitor) (Class UL);
- (D) Short Stay (Visitor) (Class TR);
- (E) Special Category (Temporary) (Class TY);
- (F) Special Tourist (Visitor) (Class TS); or

[33118] Subparagraphs 856.211 (1) (a) (iii), (iv) and (v)

substitute

- (iii) Short Stay Sponsored (Visitor) (Class UL);
- (iv) Short Stay (Visitor) (Class TR);
- (v) Special Category (Temporary) (Class TY);
- (vi) Special Tourist (Visitor) (Class TS); or

[33119] Sub-subparagraphs 856.211 (2) (b) (i) (C), (D) and (E)

substitute

- (C) Short Stay Sponsored (Visitor) (Class UL);

- (D) Short Stay (Visitor) (Class TR);
- (E) Special Category (Temporary) (Class TY);
- (F) Special Tourist (Visitor) (Class TS);
or

[33120] Subparagraphs 857.211 (1) (a) (iii), (iv) and (v)

substitute

- (iii) Short Stay Sponsored (Visitor) (Class UL);
- (iv) Short Stay (Visitor) (Class TR);
- (v) Special Category (Temporary) (Class TY);
- (vi) Special Tourist (Visitor) (Class TS); or

[33121] Sub-subparagraphs 857.211 (2) (b) (i) (C), (D) and (E)

substitute

- (C) Short Stay Sponsored (Visitor) (Class UL);
- (D) Short Stay (Visitor) (Class TR);
- (E) Special Category (Temporary) (Class TY);
- (F) Special Tourist (Visitor) (Class TS);
or

[33122] Subparagraphs 858.211 (1) (a) (iii), (iv) and (v)

substitute

- (iii) Short Stay Sponsored (Visitor) (Class UL);
- (iv) Short Stay (Visitor) (Class TR);
- (v) Special Category (Temporary) (Class TY);
- (vi) Special Tourist (Visitor) (Class TS); or

[33123] Sub-subparagraphs 858.211 (2) (b) (i) (C), (D) and (E)

substitute

- (C) Short Stay Sponsored (Visitor) (Class UL);
- (D) Short Stay (Visitor) (Class TR);
- (E) Special Category (Temporary) (Class TY);
- (F) Special Tourist (Visitor) (Class TS);
or

[33124] Clause 866.223

substitute

866.223 The applicant has undergone a medical examination carried out by any of the following (a ***relevant medical practitioner***):

- (a) a Medical Officer of the Commonwealth;
- (b) a medical practitioner approved by the Minister for the purposes of this paragraph;
- (c) a medical practitioner employed by an organisation approved by the Minister for the purposes of this paragraph.

[33125] Paragraph 866.224 (b)

omit

Commonwealth Medical Officer

insert

relevant medical practitioner

[33126] Subparagraph 866.224 (c) (i)

omit

Commonwealth Medical Officer

insert

relevant medical practitioner

[33127] After clause 866.224

insert

866.224A A relevant medical practitioner:

- (a) has considered:
 - (i) the results of any tests carried out for the purposes of the medical examination required under clause 866.223; and
 - (ii) the radiological report (if any) required under clause 866.224 in respect of the applicant; and
- (b) if he or she is not a Medical Officer of the Commonwealth and considers that the applicant has a disease or condition that is, or may result in the applicant being, a threat to public health in Australia or a danger to the Australian community, has referred any relevant results and reports to a Medical Officer of the Commonwealth.

866.224B If a Medical Officer of the Commonwealth considers that the applicant has a disease or condition that is, or may result in the applicant being, a threat to public health in Australia or a danger to the Australian community, arrangements have been made, on the advice of the Medical Officer of the Commonwealth, to place the applicant under the professional supervision of a health authority in a State or Territory to undergo any necessary treatment.

Part 3.4 Additional amendments of Schedule 2

[3401] Amendments relating to custody criterion — primary criteria

(1) The clauses mentioned in subitem (2) are amended by omitting the entire text of the clause (except the clause number) and inserting the following text:

If a person (in this clause called the *additional applicant*):

- (a) is a member of the family unit of the applicant;
and
- (b) has not turned 18; and
- (c) made a combined application with the applicant —

public interest criteria 4015 and 4016 are satisfied in relation to the additional applicant.

(2) The clauses amended are:

•	1	•	1	•	1
00.225		14.227		21.227	
•	1	•	1	•	1
01.228		15.227		24.225	
•	1	•	1	•	1
02.227		16.227		26.227	
•	1	•	1	•	1
03.228		17.226		27.226	
•	1	•	1	•	1
05.229		18.228		28.226	
•	1	•	1	•	1
06.229		19.226		29.226	
•	1	•	1	•	1
10.225		20.225		30.226	

• 31.227	1 •	• 12.227	2 •	• 41.225	8
• 34.227	1 •	• 13.226	2 •	• 42.225	8
• 35.228	1 •	• 15.228	2 •	• 43.225	8
• 36.230	1 •	• 16.228	2 •	• 44.226	8
• 37.229	1 •	• 00.227	3 •	• 45.225	8
• 38.232	1 •	• 09.229	3 •	• 46.226	8
• 39.233	1 •	• 10.228	3 •	• 50.226	8
• 51.225	1 •	• 00.223	8 •	• 51.226	8
• 00.228	2 •	• 01.225	8 •	• 55.226	8
• 01.228	2 •	• 04.227	8 •	• 56.226	8
• 02.228	2 •	• 14.225	8 •	• 57.226	8
• 03.228	2 •	• 20.225	8 •	• 58.224	8
• 04.228	2 •	• 26.225	8 •	• 59.227	8
• 09.227	2 •	• 31.223	8		
• 11.226	2 •	• 40.225	8		

[3402] Amendments relating to custody criterion — primary and secondary criteria

(1) The clauses mentioned in subitem (2) are amended by omitting the entire text of the clause (except the clause number) and inserting the following text:

If the applicant has not turned 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.

(2) The clauses amended are:

•	1	•	1	•	1
00.324		17.227		30.324	
•	1	•	1	•	1
01.226		17.325		31.324	
•	1	•	1	•	1
01.326		18.326		34.325	
•	1	•	1	•	1
02.326		19.325		35.325	
•	1	•	1	•	1
03.326		20.325		36.325	
•	1	•	1	•	1
05.326		21.325		37.325	
•	1	•	1	•	1
06.326		24.325		38.326	
•	1	•	1	•	1
10.324		26.325		39.326	
•	1	•	1	•	1
14.326		27.324		51.325	
•	1	•	1	•	2
15.326		28.324		00.322	
•	1	•	1	•	2
16.326		29.324		01.322	

• 02.322	2 •	18.327	4 •	49.323	4
• 03.322	2 •	19.326	4 •	50.226	4
• 04.322	2 •	20.327	4 •	56.326	4
• 09.323	2 •	21.327	4 •	57.328	4
• 11.323	2 •	22.328	4 •	60.329	5
• 12.323	2 •	23.327	4 •	63.229	5
• 13.324	2 •	24.328	4 •	75.223	6
• 15.323	2 •	25.325	4 •	85.223	6
• 16.323	2 •	26.327	4 •	73.226	7
• 00.326	3 •	27.326	4 •	00.323	8
• 02.323	3 •	28.326	4 •	01.324	8
• 03.325	3 •	30.325	4 •	02.225	8
• 09.326	3 •	32.326	4 •	02.324	8
• 10.326	3 •	42.326	4 •	04.324	8
• 11.327	4 •	45.223	4 •	14.324	8
• 15.327	4 •	48.226	4 •	20.324	8
• 16.326	4 •	48.324	4 •	26.325	8

•	8	•	8	•	8
31.323		40.323		50.325	
•	8	•	8	•	8
32.324		41.323		51.323	
•	8	•	8	•	8
35.324		42.323		55.324	
•	8	•	8	•	8
36.324		43.323		56.324	
•	8	•	8	•	8
37.225		44.323		57.324	
•	8	•	8	•	8
37.324		45.323		58.324	
•	8	•	8	•	8
38.324		46.323		59.324	

Part 3.5 Amendments of Schedule 4

[3501] Subclause 4013 (1)

omit

any of the risk factors specified in subclauses (2), (3), (4) and (5):

insert

a risk factor mentioned in subclause (1A), (2), (3), (4), or (5):

[3502] After subclause 4013 (1)

insert

(1A) A person is affected by a risk factor if a visa previously held by the person was cancelled:

- (a) under section 109 or paragraph 116 (1) (d) of the Act; or
- (b) under section 128 of the Act because the Minister was satisfied that the ground mentioned in paragraph 116 (1) (d) of the Act applied to the person.

[3503] Subclause 4013 (2)

omit

section 116

insert

section 116 or 128

[3504] Paragraph 4013 (2) (c)

omit

visa.

insert

visa; or

[3505] After paragraph 4013 (2) (c)

insert

- (d) because the Minister was satisfied that a ground prescribed by paragraph 2.43 (1) (i), (j), (k) or (m) applied to the person.

[3506] After clause 4014

insert

4015 The Minister is satisfied of 1 of the following:

- (a) the law of the additional applicant's home country permits the removal of the additional applicant;
- (b) each person who can lawfully determine where the additional applicant is to live consents to the grant of the visa;
- (c) the grant of the visa would be consistent with any Australian child order in force in relation to the additional applicant.

4016 The Minister is satisfied that there is no compelling reason to believe that the grant of the visa would not be in the best interests of the additional applicant.

4017 The Minister is satisfied of 1 of the following:

- (a) the law of the applicant's home country permits the removal of the applicant;
- (b) each person who can lawfully determine where the applicant is to live consents to the grant of the visa;

(c) the grant of the visa would be consistent with any Australian child order in force in relation to the applicant.

4018 The Minister is satisfied that there is no compelling reason to believe that the grant of the visa would not be in the best interests of the applicant.

Part 3.6 **Amendments of Schedules 8, 8A, 9, 11 and 12**

[3601] Schedule 8, after clause 8530

insert

8531 The holder must not remain in Australia after the end of the period of stay permitted by the visa.

[3602] Schedule 8A, definition of *Type B payment*, paragraphs (e) and (f)

omit

[3603] Schedule 9, Part 2, paragraph 1 (a)

substitute

- (a) who are citizens of a country specified in a Gazette Notice for the purpose of paragraph 2.40 (1) (n); and

[3604] Schedule 9, Part 3

omit

[3605] Schedule 11, heading

substitute

Schedule 11 Memorandum of Understanding

(subregulation 2.12A (3))

[3606] Schedule 12

substitute

Schedule 12 Exchange of letters

(subregulation 2.12A (3))

Part 1



AUSTRALIAN EMBASSY
BEIJING

Mr Zou Junyu
Deputy Director-General
Department of International Cooperation
Ministry of Civil Affairs
Beijing
People's Republic of China

18 February 2000

Dear Mr Zou

I am writing about discussions between officials of the Australian Embassy in China and the Ministry concerning the Memorandum of Understanding of 25 January 1995 between the Department of Immigration and Ethnic Affairs (now the Department of Immigration and Multicultural Affairs) and the Ministry of Civil Affairs relating to unauthorised arrivals in Australia of Vietnamese refugees settled in the People's Republic of China.

I note that the Memorandum of Understanding, established with regard to Vietnamese refugees settled in China who have arrived in Australia as unauthorised arrivals after 25 January 1995, continues to operate for current arrivals and will continue to operate for future arrivals.

Upon your confirmation of this, this exchange of letters replaces the previous exchange of letters of 9 April and 10 April 1998, and together with the Memorandum of Understanding constitutes the agreement between our two countries on this subject.

Yours sincerely

Penny Richards

Penny Richards
Charge d'Affaires a.i.

Part 2



中华人民共和国民政部

MINISTRY OF CIVIL AFFAIRS OF THE PEOPLE'S REPUBLIC OF CHINA

Ms. Penny Richards
CHARGÉ D'AFFAIRES A.I.
Australian Embassy
Beijing

February 19, 2000

Dear Ms. Penny Richards,

I refer to your letter of February 18, 2000, and confirm that the Memorandum of Understanding of 25 January 1995, established with regard to Vietnamese refugees settled in China who have arrived in Australia as unauthorized arrivals after 25 January 1995, continues to operate for current arrivals and will continue to operate for future arrivals.

Yours sincerely

Zou Junyu

Deputy Director-General
Department of Foreign Affairs
Ministry of Civil Affairs

地址: 北京北河沿大街一四七号 电话: 65121882, 65135544—(Ext)1306 传真: 65121882 MCAID CN
Add: 147 Beiheyuan Street Tel: 65121882, 65135544—(Ext)1306 FAX: 65121882 MCAID CN
Beijing 100721, China

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 Nos. 259 and 321), 243, 259, 260 (as amended by 1999 No. 321), 321 and 325; 2000 No. 52.
2. Made by the Governor-General on 27 April 2000, and notified in the *Commonwealth of Australia Gazette* on 28 April 2000.