



# Migration Amendment Regulations 2006 (No. 4)<sup>1</sup>

**Select Legislative Instrument 2006 No. 159**

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

Dated 22 June 2006

P. M. JEFFERY  
Governor-General

By His Excellency's Command

AMANDA VANSTONE  
Minister for Immigration and Multicultural Affairs

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### 1 Name of Regulations

These Regulations are the *Migration Amendment Regulations 2006 (No. 4)*.

### 2 Commencement

These Regulations commence on 1 July 2006.

### 3 Amendment of *Migration Regulations 1994*

- (1) Schedules 1 to 3 amend the *Migration Regulations 1994*.
- (2) Schedule 4 amends the *Migration Regulations 1994*, as amended by the *Migration Amendment Regulations 2006 (No. 2)*.

**4 Transitional**

- (1) The amendments made by Schedule 1 apply in relation to charges and fees payable under the *Migration Regulations 1994* on or after 1 July 2006.
- (2) The amendments made by Part 1 of Schedule 2 apply in relation to an application for a visa made on or after 1 July 2006.
- (3) The amendments made by Part 2 of Schedule 2 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 2006; or
  - (b) made on or after 1 July 2006.
- (4) The amendments made by Schedule 3 apply in relation to an application for a visa made on or after 1 July 2006.
- (5) The amendments made by Schedule 4 apply in relation to an application for a visa made on or after 1 July 2006.

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## Schedule 1 Amendments relating to fees

(regulation 3)

**[1] Schedule 1, subparagraph 1218A (2) (b) (ii)**

*substitute*

- (ii) if the applicant:
  - (A) has turned 18; and
  - (B) is assessed as not having functional English; and
  - (C) has not previously held a Skilled — Independent Regional (Provisional) (Class UX) visa: \$2 765

**[2] Schedule 1, paragraph 1220B (2) (a)**

*substitute*

- (a) First instalment (payable at the time application is made): \$185

**[3] Schedule 1, subparagraph 1220B (2A) (b) (iiii)**

*substitute*

- (iii) In any other case: \$3 390.

**[4] Further amendments**

<i>Provision</i>	<i>omit</i>	<i>insert</i>
<b><i>General regulations</i></b>		
subregulation 1.20C (3)	\$265	\$270
paragraph 1.20G (5) (b)	\$260	\$265
paragraph 1.20G (5) (c)	\$260	\$265
subregulation 1.20GA (4)	\$260	\$265

<i>Provision</i>	<i>omit</i>	<i>insert</i>
subregulation 1.20N (3)	\$1 050	\$1 080
subregulation 5.37 (1)	\$340	\$350
paragraph 5.38 (2) (a)	\$250	\$260
paragraph 5.38 (2) (b)	\$2 500	\$2 600
<b><i>Schedule 1</i></b>		
paragraph 1104AA (2) (a)	\$3 760	\$3 860
sub-subparagraph 1104AA (2) (b) (i) (C)	\$5 395	\$5 540
sub-subparagraph 1104AA (2) (b) (ii) (C)	\$2 690	\$2 765
paragraph 1104A (2) (a)	\$3 760	\$3 860
sub-subparagraph 1104A (2) (b) (i) (C)	\$5 395	\$5 540
sub-subparagraph 1104A (2) (b) (ii) (C)	\$2 690	\$2 765
subparagraph 1104B (2) (a) (i)	\$180	\$185
subparagraph 1104B (2) (a) (ii)	\$1 080	\$1 110
sub-subparagraph 1104B (2) (b) (i) (E)	\$2 690	\$2 765
subparagraph 1108 (2) (a) (ii)	\$800	\$820
subparagraph 1108 (2) (a) (iii)	\$1 305	\$1 340
subparagraph 1108A (2) (a) (ii)	\$800	\$820
subparagraph 1108A (2) (a) (iv)	\$1 935	\$1 990
subparagraph 1111 (2) (a) (i)	\$150	\$155
paragraph 1112 (2) (a)	\$1 305	\$1 340
subparagraph 1112 (2) (b) (i)	\$2 690	\$2 765
paragraph 1113 (2) (a)	\$1 935	\$1 990
subparagraph 1113 (2) (b) (i)	\$2 690	\$2 765
subparagraph 1114 (2) (a) (ii)	\$1 305	\$1 340
sub-subparagraph 1114 (2) (b) (i) (C)	\$5 395	\$5 540
sub-subparagraph 1114 (2) (b) (ii) (C)	\$2 690	\$2 765
subparagraph 1114 (2) (b) (iv)	\$1 270	\$1 305
subparagraph 1114A (2) (a) (ii)	\$180	\$185
subparagraph 1114A (2) (a) (iii)	\$1 935	\$1 990

<i>Provision</i>	<i>omit</i>	<i>insert</i>
sub-subparagraph 1114A (2) (b) (i) (C)	\$5 395	\$5 540
sub-subparagraph 1114A (2) (b) (ii) (C)	\$2 690	\$2 765
subparagraph 1118A (2) (a) (i)	\$1 935	\$1 990
subparagraph 1118A (2) (a) (ii)	\$1 305	\$1 340
subparagraph 1118A (2) (b) (i)	\$2 690	\$2 765
subparagraph 1121 (2) (a) (ii)	\$1 305	\$1 340
sub-subparagraph 1121 (2) (b) (i) (C)	\$5 395	\$5 540
sub-subparagraph 1121 (2) (b) (ii) (C)	\$2 690	\$2 765
subparagraph 1121 (2) (b) (v)	\$1 270	\$1 305
paragraph 1121A (2) (a)	\$1 935	\$1 990
sub-subparagraph 1121A (2) (b) (i) (C)	\$5 395	\$5 540
sub-subparagraph 1121A (2) (b) (ii) (C)	\$2 690	\$2 765
subparagraph 1123A (2) (a) (i)	\$800	\$820
subparagraph 1123A (2) (a) (ii)	\$1 305	\$1 340
subparagraph 1123A (2) (b) (ii)	\$1 135	\$1 165
subparagraph 1123B (2) (a) (i)	\$800	\$820
subparagraph 1123B (2) (a) (ii)	\$1 935	\$1 990
subparagraph 1123B (2) (b) (ii)	\$1 135	\$1 165
paragraph 1124 (2) (a)	\$1 305	\$1 340
paragraph 1124 (2) (b)	\$1 135	\$1 165
paragraph 1124A (2) (a)	\$1 935	\$1 990
paragraph 1124A (2) (b)	\$1 135	\$1 165
subparagraph 1124B (2) (a) (ii)	\$225	\$235
sub-subparagraph 1124B (2) (a) (iii) (D)	\$800	\$820
sub-subparagraph 1124B (2) (a) (iv) (C)	\$800	\$820
sub-subparagraph 1124B (2) (a) (v) (C)	\$630	\$650
sub-subparagraph 1124B (2) (a) (vi) (D)	\$800	\$820
subparagraph 1124B (2) (a) (vii)	\$1 935	\$1 990
subparagraph 1128AA (2) (b) (i)	\$1 885	\$1 940

<i>Provision</i>	<i>omit</i>	<i>insert</i>
subparagraph 1128AA (2) (b) (ii)	\$2 690	\$2 765
subparagraph 1128B (2) (a) (ii)	\$1 935	\$1 990
subparagraph 1128B (2) (b) (i)	\$2 690	\$2 765
paragraph 1128BA (2) (a)	\$1 935	\$1 990
subparagraph 1128BA (2) (b) (i)	\$2 690	\$2 765
subparagraph 1128C (2) (a) (ii)	\$180	\$185
subparagraph 1128C (2) (a) (iii)	\$1 935	\$1 990
subparagraph 1128C (2) (b) (i)	\$2 690	\$2 765
paragraph 1128CA (2) (a)	\$1 935	\$1 990
subparagraph 1128CA (2) (b) (i)	\$2 690	\$2 765
paragraph 1128D (2) (a)	\$1 935	\$1 990
subparagraph 1128D (2) (b) (i)	\$2 690	\$2 765
subparagraph 1129 (2) (a) (ii)	\$1 305	\$1 340
subparagraph 1130 (2) (a) (i)	\$180	\$185
sub-subparagraph 1130 (2) (a) (ia) (B)	\$180	\$185
subparagraph 1130 (2) (a) (iii)	\$1 305	\$1 340
subparagraph 1130 (2) (b) (i)	\$11 140	\$11 730
sub-sub-subparagraph 1130 (2) (b) (ia) (A) (III)	\$11 140	\$11 730
sub-subparagraph 1130 (2) (b) (iii) (B)	\$1 205	\$1 265
subparagraph 1130 (2) (b) (iv)	\$27 850	\$29 330
subparagraph 1130A (2) (a) (ii)	\$180	\$185
sub-subparagraph 1130A (2) (a) (iia) (B)	\$180	\$185
subparagraph 1130A (2) (a) (iii)	\$1 935	\$1 990
subparagraph 1130A (2) (b) (i)	\$11 140	\$11 730
sub-sub-subparagraph 1130A (2) (b) (ia) (A) (III)	\$11 140	\$11 730
sub-subparagraph 1130A (2) (b) (iii) (B)	\$1 205	\$1 265
subparagraph 1130A (2) (b) (iv)	\$27 850	\$29 330
paragraph 1202A (2) (a)	\$2 575	\$2 645
sub-subparagraph 1202A (2) (b) (i) (C)	\$5 395	\$5 540

<i>Provision</i>	<i>omit</i>	<i>insert</i>
sub-subparagraph 1202A (2) (b) (ii) (C)	\$2 690	\$2 765
subparagraph 1205 (2) (a) (iv)	\$1 800	\$1 850
subparagraph 1205 (2) (a) (iva)	\$1 800	\$1 850
subparagraph 1205 (2) (a) (v)	\$180	\$185
paragraph 1207 (2) (a)	\$180	\$185
subparagraph 1208 (2) (a) (ii)	\$180	\$185
subparagraph 1211 (2) (a) (ii)	\$140	\$145
paragraph 1212A (2) (a)	\$180	\$185
paragraph 1212B (2) (a)	\$180	\$185
paragraph 1212B (2) (b)	\$8 000	\$8 215
paragraph 1214AA (2) (a)	\$180	\$185
sub-subparagraph 1214A (2) (a) (i) (A)	\$40	\$45
sub-sub-subparagraph 1214A (2) (a) (i) (B) (II)	\$40	\$45
subparagraph 1214A (2) (a) (ii)	\$175	\$180
paragraph 1214BA (2) (a)	\$180	\$185
paragraph 1215 (2) (a)	\$1 305	\$1 340
subparagraph 1216A (2) (a) (ii)	\$2 225	\$2 285
sub-subparagraph 1216A (2) (b) (i) (D)	\$4 915	\$5 050
sub-subparagraph 1216A (2) (b) (ii) (D)	\$2 465	\$2 530
sub-subparagraph 1216A (2) (b) (iii) (C)	\$2 465	\$2 530
subparagraph 1217 (2) (a) (ii)	\$180	\$185
sub-subparagraph 1218 (2) (a) (ii) (B)	\$200	\$205
subparagraph 1218A (2) (a) (i)	\$180	\$185
subparagraph 1218A (2) (a) (ii)	\$180	\$185
subparagraph 1218A (2) (a) (iii)	\$1 935	\$1 990
sub-subparagraph 1218A (2) (b) (i) (D)	\$2 690	\$2 765
sub-subparagraph 1220B (2A) (a) (i) (D)	\$140	\$145
subparagraph 1220B (2A) (a) (ii)	\$420	\$430
subparagraph 1221 (2) (a) (iii)	\$1 305	\$1 340



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<i>Provision</i>	<i>omit</i>	<i>insert</i>
sub-subparagraph 1221 (2) (b) (i) (B)	\$1 205	\$1 265
subparagraph 1221 (2) (b) (iii)	\$16 710	\$17 595
subparagraph 1221A (2) (a) (iii)	\$1 935	\$1 990
sub-subparagraph 1221A (2) (b) (i) (B)	\$1 205	\$1 265
subparagraph 1221A (2) (b) (iii)	\$16 710	\$17 595
sub-subparagraph 1222 (2) (a) (iii) (C)	\$140	\$145
subparagraph 1222 (2) (a) (iv)	\$420	\$430
subparagraph 1223A (2) (a) (iii)	\$180	\$185
paragraph 1224A (2) (a)	\$170	\$175
subitem 1225 (2)	\$180	\$185

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**Schedule 2 Amendments relating to general skilled migration**  
(regulation 3)

**Part 1 Amendments applying in relation to an application for a visa made on or after 1 July 2006**

**[1] Regulation 1.03, definition of *NOOSR***

*omit*

**[2] Subregulation 2.26 (5), definition of *relevant Australian authority*, paragraph (a)**

*substitute*

- (a) Education, or a body appointed in writing by Education to assess educational qualifications or work experience;  
or

**[3] After subregulation 2.26A (5)**

*insert*

(5AA) In working out the number of points to be given to an applicant for Part 7 of Schedule 6A, the Minister must have regard to whichever of the following are more favourable to the applicant:

- (a) the occupations that were specified as migration occupations in demand at the time the application was made;
- (b) the occupations that are specified as migration occupations in demand at the time the assessment mentioned in subsection 93 (1) of the Act is made.

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**[4] Subregulation 2.26B (1)**

*omit*

NOOSR

*insert*

Education

**[5] Regulation 5.40**

*substitute*

**5.40 Fees for assessment of a person's work qualifications and experience etc**

- (1) The fee payable to an Agency within the meaning of the *Financial Management and Accountability Act 1997* for:
  - (a) an application for assessment, for the purposes of the Act, of a person's occupational qualifications or experience (or both); and
  - (b) an application for assessment, for the purposes of the Act, of a person's educational qualifications; and
  - (c) an application for internal review of an assessment;is the fee specified by the Minister in an instrument in writing for this regulation.
- (2) Subject to subregulation (3), if, on an internal review of an assessment, a review authority decides in favour of the applicant, the fee paid for the internal review is to be refunded.
- (3) A fee paid for an internal review is not to be refunded if the applicant provided evidence for the purposes of the review that was not provided for the purposes of the application for assessment.

**[6] Schedule 1, subparagraphs 1128BA (3) (d) (i) and (ii)**

*omit each mention of*

Graduate — Skilled (Temporary) (Class UQ) visa; or

*insert*

visa other than a visa mentioned in paragraph (e); or

**[7] Schedule 1, after paragraph 1128BA (3) (d)**

*insert*

- (da) Applicant is taken to have complied with paragraph (d) if:
- (i) the applicant is not the holder of a substantive visa; and
  - (ii) the last substantive visa held by the applicant was cancelled, and the Migration Review Tribunal has made a decision to set aside and substitute the cancellation decision or the Minister's decision not to revoke the cancellation; and
  - (iii) that last substantive visa was a visa other than a visa of a kind mentioned in paragraph (e); and
  - (iv) the applicant has lodged the application within 28 days after the day when the applicant is taken, under sections 368C, 368D and 379C of the Act, to have been notified of the Tribunal's decision.
- (db) If the last substantive visa, held by an applicant who is taken, under paragraph (da), to have complied with paragraph (d), was not a Subclass 560, 562, 563, 572, 573 or 574 visa, the applicant must have been, at some time in the 6 months immediately before that visa was cancelled, the holder of a Subclass 560, 562, 563, 572, 573 or 574 visa that was not of a kind mentioned in paragraph (e).

**[8] Schedule 1, subparagraphs 1128CA (3) (e) (i) and (ii)**

*omit each mention of*

Graduate — Skilled (Temporary) (Class UQ) visa; or

*insert*

visa other than a visa mentioned in paragraph (f); or

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**[9] Schedule 1, after paragraph 1128CA (3) (e)**

*insert*

- (ea) Applicant is taken to have complied with paragraph (e) if:
- (i) the applicant is not the holder of a substantive visa; and
  - (ii) the last substantive visa held by the applicant was cancelled, and the Migration Review Tribunal has made a decision to set aside and substitute the cancellation decision or the Minister's decision not to revoke the cancellation; and
  - (iii) that last substantive visa was a visa other than a visa of a kind mentioned in paragraph (f); and
  - (iv) the applicant has lodged the application within 28 days after the day when the applicant is taken, under sections 368C, 368D and 379C of the Act, to have been notified of the Tribunal's decision.
- (eb) If the last substantive visa, held by an applicant who is taken, under paragraph (ea), to have complied with paragraph (e), was not a Subclass 560, 562, 563, 572, 573 or 574 visa, the applicant must have been, at some time in the 6 months immediately before that visa was cancelled, the holder of a Subclass 560, 562, 563, 572, 573 or 574 visa that was not of a kind mentioned in paragraph (f).

**[10] Schedule 1, after paragraph 1212A (3) (c)**

*insert*

- (ca) Applicant must be:
- (i) the holder of a Bridging A (Class WA) visa granted on the basis that the applicant met the requirements of subclause 010.211 (2) or (3) of Schedule 2 on the basis of a valid application for a visa other than a visa mentioned in paragraph (d); or
  - (ii) the holder of a Bridging B (Class WB) visa granted on the basis that the applicant met the requirements of subclause 020.212 (2) or (3) of Schedule 2 on the basis of a valid application for a visa other than a visa mentioned in paragraph (d); or

(iii) a person to whom paragraph (d) applies.

**[11] Schedule 1, paragraph 1212A (3) (d)**

*omit*

Applicant must be

*insert*

This paragraph applies to an applicant who is

**[12] Schedule 1, subparagraph 1212A (3) (da) (iii)**

*omit*

, at the time of cancellation,

**[13] Schedule 1, after paragraph 1218A (5) (a)**

*insert*

- (ab) Applicant is taken to have complied with paragraph (a) if:
- (i) the applicant is not the holder of a substantive visa; and
  - (ii) the last substantive visa held by the applicant was cancelled, and the Migration Review Tribunal has made a decision to set aside and substitute the cancellation decision or the Minister's decision not to revoke the cancellation; and
  - (iii) that last substantive visa was a visa other than a visa of a kind mentioned in paragraph (b); and
  - (iv) the applicant has lodged the application within 28 days after the day when the applicant is taken, under sections 368C, 368D and 379C of the Act, to have been notified of the Tribunal's decision.
- (ac) If the last substantive visa, held by an applicant who is taken, under paragraph (ab), to have complied with paragraph (a), was not a Subclass 560, 562, 563, 572, 573 or 574 visa, the applicant must have been, at some time in the 6 months immediately before that visa was cancelled, the holder of a Subclass 560, 562, 563, 572, 573 or 574 visa that was not of a kind mentioned in paragraph (b).

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**[14] Schedule 2, clause 134.214**

*omit*

The skills

*insert*

(1) The skills

**[15] Schedule 2, clause 134.214**

*insert*

(2) If the assessment mentioned in subclause (1) is made on the basis of a qualification obtained in Australia while the applicant was the holder of a student visa, the qualification was obtained as a result of full time study of a registered course.

**[16] Schedule 2, clause 137.213**

*omit*

If the applicant:

*insert*

(1) If the applicant:

**[17] Schedule 2, clause 137.213**

*insert*

(2) If the assessment mentioned in subclause (1) is made on the basis of a qualification obtained in Australia while the applicant was the holder of a student visa, the qualification was obtained as a result of full time study of a registered course.

Schedule 2	Amendments relating to general skilled migration
Part 2	Amendments applying in relation to an application for a visa made but not finally determined before 1 July 2006 or made on or after 1 July 2006

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**Part 2**                      **Amendments applying in relation to an application for a visa made but not finally determined before 1 July 2006 or made on or after 1 July 2006**

**[18]      Schedule 2, clause 136.222**

*omit*

The skills

*insert*

(1) The skills

**[19]      Schedule 2, clause 136.222**

*insert*

(2) If the assessment mentioned in subclause (1) is made on the basis of a qualification obtained in Australia while the applicant was the holder of a student visa, the qualification was obtained as a result of full time study of a registered course.

**[20]      Schedule 2, clause 138.224**

*omit*

The skills

*insert*

(1) The skills



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**[21] Schedule 2, clause 138.224**

*insert*

(2) If the assessment mentioned in subclause (1) is made on the basis of a qualification obtained in Australia while the applicant was the holder of a student visa, the qualification was obtained as a result of full time study of a registered course.

**[22] Schedule 2, clause 139.225**

*omit*

The skills

*insert*

(1) The skills

**[23] Schedule 2, clause 139.225**

*insert*

(2) If the assessment mentioned in subclause (1) is made on the basis of a qualification obtained in Australia while the applicant was the holder of a student visa, the qualification was obtained as a result of full time study of a registered course.

**[24] Schedule 2, clause 461.223**

*omit*

4009,

**[25] Schedule 2, clause 495.232**

*omit*

A relevant

*insert*

(1) A relevant

**[26] Schedule 2, clause 495.232**

*insert*

(2) If the assessment mentioned in subclause (1) is made on the basis of a qualification obtained in Australia while the applicant was the holder of a student visa, the qualification was obtained as a result of full time study of a registered course.

**[27] Schedule 2, clause 861.222**

*omit*

The skills

*insert*

(1) The skills

**[28] Schedule 2, clause 861.222**

*insert*

(2) If the assessment mentioned in subclause (1) is made on the basis of a qualification obtained in Australia while the applicant was the holder of a student visa, the qualification was obtained as a result of full time study of a registered course.

**[29] Schedule 2, clause 862.224**

*omit*

The skills

*insert*

(1) The skills

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**[30] Schedule 2, clause 862.224**

*insert*

(2) If the assessment mentioned in subclause (1) is made on the basis of a qualification obtained in Australia while the applicant was the holder of a student visa, the qualification was obtained as a result of full time study of a registered course.

**[31] Schedule 2, clause 863.225**

*omit*

The skills

*insert*

(1) The skills

**[32] Schedule 2, clause 863.225**

*insert*

(2) If the assessment mentioned in subclause (1) is made on the basis of a qualification obtained in Australia while the applicant was the holder of a student visa, the qualification was obtained as a result of full time study of a registered course.

**[33] Schedule 2, clause 880.230**

*omit*

A relevant

*insert*

(1) A relevant

**[34] Schedule 2, clause 880.230**

*insert*

(2) If the assessment mentioned in subclause (1) is made on the basis of a qualification obtained in Australia while the applicant was the holder of a student visa, the qualification was obtained as a result of full time study of a registered course.

**[35] Schedule 2, clause 881.232**

*omit*

A relevant

*insert*

(1) A relevant

**[36] Schedule 2, clause 881.232**

*insert*

(2) If the assessment mentioned in subclause (1) is made on the basis of a qualification obtained in Australia while the applicant was the holder of a student visa, the qualification was obtained as a result of full time study of a registered course.

**[37] Schedule 2, clause 882.233**

*omit*

A relevant

*insert*

(1) A relevant

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**[38] Schedule 2, clause 882.233**

*insert*

(2) If the assessment mentioned in subclause (1) is made on the basis of a qualification obtained in Australia while the applicant was the holder of a student visa, the qualification was obtained as a result of full time study of a registered course.

**[39] Schedule 6A, Part 8, item 6A81, paragraph (b)**

*omit*

substantive

**[40] Schedule 6A, Part 8, item 6A82, paragraph (b)**

*omit*

substantive

**[41] Schedule 6A, Part 9, item 6A91, paragraph (d)**

*omit*

applicant

*insert*

applicant; or

**[42] Schedule 6A, Part 9, item 6A91, after paragraph (d)**

*insert*

(e) niece or nephew, adoptive niece or nephew or step-niece or step-nephew

## **Schedule 3      Amendments relating to diplomatic visas**

(regulation 3)

**[1]      Schedule 1, paragraph 1206 (3) (d)**

*omit*

**[2]      Schedule 1, paragraph 1207 (3) (c)**

*substitute*

- (c) Application by a person claiming to be a member of the family unit of a person seeking to satisfy the criteria for a Subclass 427 (Domestic Worker (Temporary) — Executive) visa may be made at the same time and place as, and combined with, an application by any other member of the family unit seeking to satisfy either the primary or secondary criteria for a Subclass 427 (Domestic Worker (Temporary) — Executive) visa.

**[3]      Schedule 2, Division 426.2, note**

*substitute*

*Note* All applicants must satisfy the primary criteria.

**[4]      Schedule 2, subparagraph 426.222 (b) (i)**

*substitute*

- (i) is the holder of a Subclass 995 (Diplomatic (Temporary)) visa; and

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**[5] Schedule 2, subparagraph 426.227 (b) (i)**

*substitute*

- (i) is the holder of a Subclass 995 (Diplomatic (Temporary)) visa; and

**[6] Schedule 2, Division 426.3**

*substitute*

**426.3 Secondary criteria: Nil.**

*Note* All applicants must satisfy the primary criteria.

**[7] Schedule 2, clause 426.611**

*substitute*

426.611 Conditions 8110 and 8516.

**[8] Schedule 2, clause 426.612**

*omit*

8516,

**[9] Schedule 2, Division 995.1, including the note**

*substitute*

**995.1 Interpretation**

995.111 In this Part:

*international representative* means a representative of an international organisation.

**[10] Schedule 2, Division 995.2, note**

*substitute*

*Note* The primary criteria must be satisfied by at least 1 person. Other accompanying applicants for a visa of this subclass need satisfy only the secondary criteria.

**[11] Schedule 2, clause 995.221**

*substitute*

995.221 The Foreign Minister has recommended in writing to the Minister that the visa be granted to the applicant on the basis of the applicant being:

- (a) a diplomatic or consular representative; or
- (b) an international representative.

**[12] Schedule 2, Division 995.3**

*substitute*

**995.3 Secondary criteria****995.31 [No criteria to be satisfied at time of application]****995.32 Criteria to be satisfied at time of decision**

995.321 The Foreign Minister has recommended in writing to the Minister that the visa be granted to the applicant to accompany a person (the *primary applicant*) who seeks to satisfy the primary criteria.

995.322 The primary applicant has satisfied the criteria for the grant of a visa as a primary applicant.

995.323 The Minister is satisfied that:

- (a) the applicant is the holder of a valid passport that:
  - (i) was issued to the applicant by an official source; and
  - (ii) is in the form issued by the official source; or



- 
- (b) it would be unreasonable to require the applicant to be the holder of a passport.

**[13] Schedule 2, paragraph 995.511 (b)**

*substitute*

- (b) to remain in Australia:
- (i) if the visa was issued on the basis of the holder satisfying the primary criteria for the grant of the visa — for the duration of the holder's status as:
    - (A) a diplomatic or consular representative in Australia of a country other than Australia; or
    - (B) an international representative; or
  - (ii) if the visa was issued on the basis of the holder satisfying the secondary criteria for the grant of the visa — for the duration of the status of the person who satisfied the primary criteria as:
    - (A) a diplomatic or consular representative in Australia of a country other than Australia; or
    - (B) an international representative; or
  - (iii) in any case — until an earlier date specified by the Minister.

**[14] Schedule 2, Division 995.6**

*substitute*

**995.6 Conditions**

- 995.611 If the applicant satisfies the primary criteria, condition 8516.
- 995.612 If the applicant satisfies the secondary criteria, conditions 8502 and 8516.

**[15] Schedule 8, clause 8110***substitute*

8110 The holder:

- (a) must not engage in work in Australia except in the household of the employer in relation to whom the visa was granted; and
- (b) must not work in a position or occupation inconsistent with the position or occupation in relation to which the visa was granted; and
- (c) must not engage in work for another person or on the holder's own account while undertaking the employment in relation to which the visa was granted; and
- (d) must not cease to be employed by the employer in relation to which the visa was granted, unless paragraph (e) applies; and
- (e) except with the written permission of the Foreign Minister, must not remain in Australia after the permanent departure of that employer.

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## Schedule 4      Amendments relating to Skilled — Designated Area-sponsored visas

(regulation 3)

**[1]      Paragraph 2.08D (1) (d)**

*substitute*

- (d) the Minister is satisfied, from information available to the Minister, that, if the person had applied for:
- (i) a Skilled — Independent (Migrant) (Class BN) visa;  
or
  - (ii) a Skilled — Australian-sponsored (Migrant) (Class BQ) visa; or
  - (iii) a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa;
- it is likely that the visa would have been granted.

**[2]      Subregulation 2.08D (2), excluding the note**

*substitute*

- (2) The Minister may invite the person to make an application (a *further application*) for:
- (a) a Skilled — Independent (Migrant) (Class BN) visa; or
  - (b) a Skilled — Australian-sponsored (Migrant) (Class BQ) visa; or
  - (c) a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa.

**[3] Subparagraph 2.27B (1) (c) (vi)**

*omit*

visa; and

*insert*

visa; or

**[4] After subparagraph 2.27B (1) (c) (vi)**

*insert*

(vii) a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa; and

**[5] Schedule 1, after paragraph 1128B (3) (d)**

*insert*

(e) Application by a person seeking to satisfy the criteria for a Subclass 139 (Skilled — Designated Area-sponsored) visa must be made before 1 July 2006.

**[6] Schedule 1, after item 1133**

*insert in Part 1*

**1134. Skilled — Designated Area-sponsored (Residence) (Class CC)**

- (1) Form: 47ST.
- (2) Visa application charge:
  - (a) First instalment (payable at the time application is made): \$185.
  - (b) Second instalment (payable before grant of visa):
    - (i) In the case of an applicant who:
      - (A) was 18 or more at the time of application; and
      - (B) is assessed as not having functional English;
    - and

- 
- (C) has held a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa; and
  - (D) has not paid a second instalment for the application for that visa: \$2 765.
- (ii) In the case of an applicant who:
    - (A) was 18 or more at the time of application; and
    - (B) is assessed as not having functional English; and
    - (C) has not previously held a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa: \$2 765.
  - (iii) In any other case: Nil.
- (3) Other:
- (a) Applicant may be in or outside Australia, but not in immigration clearance.
  - (b) Application must be made by:
    - (i) posting the application (with the correct pre-paid postage) to the post office box address specified by the Minister in a Gazette Notice; or
    - (ii) having the application delivered by a courier service to the address specified by the Minister in a Gazette Notice.
  - (c) Applicant seeking to satisfy the primary criteria must be the holder of a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa and must have held a visa of that class for at least 2 years.
  - (d) Application by a person claiming to be a member of the family unit of a person who is an applicant for a Skilled — Designated Area-sponsored (Residence) (Class CC) visa may be made at the same time and place as, and combined with, the application by that person.
  - (e) Application must be accompanied by evidence that each applicant who is at least 16 has applied for an Australian Federal Police check in relation to the applicant during the 12 months immediately before the day when the application is made.

(f) Application must be accompanied by a sponsorship form 40 completed by the person who is the sponsor of the applicant.

(4) Subclasses:

883 (Skilled — Designated Area-sponsored (Residence))

**[7] Schedule 1, after item 1225**

*insert in Part 2*

**1226. Skilled — Designated Area-sponsored (Provisional) (Class UZ)**

(1) Form: 47ST.

(2) Visa application charge:

(a) First instalment (payable at the time application is made):

(i) In the case of an applicant who is taken under regulation 2.08D to have applied for a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa: Nil.

(ii) In the case of an applicant who is the holder of a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa: \$185.

(iii) In any other case: \$1 990.

(b) Second instalment (payable before grant of visa):

(i) In the case of an applicant who:

(A) was 18 or more at the time of application; and

(B) is assessed as not having functional English; and

(C) has held a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa; and

(D) has not paid a second instalment for the application for that visa: \$2 765.

(ii) In the case of an applicant who:

(A) was 18 or more at the time of application; and

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(B) is assessed as not having functional English;  
and

(C) has not previously held a Skilled —  
Designated Area-sponsored (Provisional)  
(Class UZ) visa: \$2 765.

(iii) In any other case: Nil.

*Note* Regulation 2.11 makes special provision for the visa application charge payable if the Minister has invited the applicant to apply for this visa.

(3) Other:

- (a) Applicant may be in or outside Australia, but not in immigration clearance.
- (b) Application must be made by:
  - (i) posting the application (with the correct pre-paid postage) to the post office box address specified by the Minister in a Gazette Notice; or
  - (ii) having the application delivered by a courier service to the address specified by the Minister in a Gazette Notice.
- (c) Applicant must not have previously held more than 1 Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa.
- (d) Applicant seeking to satisfy the primary criteria who is not the holder of a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa must be under 45.
- (e) Application by a person claiming to be a member of the family unit of a person who is an applicant for a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa may be made at the same time and place as, and combined with, the application by that person.
- (f) Application by a person who is not the holder of a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa must be accompanied by evidence that a relevant assessing authority has assessed the skills of the applicant as suitable for his or her nominated skilled occupation.

(g) Application must be accompanied by a sponsorship form 40 completed by the person who is the sponsor of the applicant.

(4) Subclasses:

496 (Skilled — Designated Area-sponsored  
(Provisional))

**[8] Schedule 2, clause 139.211**

*substitute*

139.211 Application must be made before 1 July 2006.

139.211A The applicant has 1 of the following relationships to a person (the *sponsor*) who has turned 18 and is an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen:

- (a) a parent;
- (b) a child or adoptive child, or a step-child, who is not a dependent child of the sponsor;
- (c) a brother or sister, an adoptive brother or sister or a step-brother or step-sister;
- (d) an aunt or uncle, an adoptive aunt or uncle, or a step-aunt or step-uncle;
- (e) a nephew or niece, an adoptive nephew or niece or a step-nephew or step-niece;
- (f) a grandchild or first cousin.



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**[9] Schedule 2, after Part 495***insert***Subclass 496 Skilled — Designated  
Area-sponsored (Provisional)****496.1 Interpretation**

496.111 In this Part:

**completed**, in relation to a degree, diploma or trade qualification, means having met the academic requirements for its award.

*Note* The academic requirements for the award of a degree, diploma or trade qualification do not include the formal conferral of the degree, diploma or trade qualification. Therefore, a person can **complete** a degree, diploma or trade qualification, for this clause, before the award is formally conferred.

**course of study** has the meaning given by subregulation 2.26A (7A).

**degree** has the meaning given in subregulation 2.26A (6).

**designated area** means an area specified by Gazette Notice under item 6701 in Schedule 6 as a designated area.

**diploma** has the meaning given in subregulation 2.26A (6).

**employed** has the meaning given in subregulation 2.26A (7).

**trade qualification** has the meaning given in subregulation 2.26A (6).

*Note 1* For **registered course**, **relevant assessing authority** and **skilled occupation**, see regulation 1.03.

*Note 2* For **vocational English**, see regulation 1.15B.

**496.2 Primary criteria**

*Note* The primary criteria must be satisfied by at least 1 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.

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**496.21 Criteria to be satisfied at time of application**

496.211 For an applicant:

- (a) who is the holder of a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa; or
- (b) in relation to whom the last substantive visa held by the applicant since last entering Australia was a visa of that kind;

clause 496.212 only must be satisfied.

496.212 The applicant is sponsored by a person (the *sponsor*):

- (a) who is 18 or more; and
- (b) who is an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen; and
- (c) to whom the applicant, or the applicant's spouse, has 1 of the following relationships:
  - (i) a parent;
  - (ii) a child or adoptive child, or a step-child, who is not a dependent child of the sponsor;
  - (iii) a brother or sister, an adoptive brother or sister or a step-brother or step-sister;
  - (iv) an aunt or uncle, an adoptive aunt or uncle, or a step-aunt or step-uncle;
  - (v) a nephew or niece, an adoptive nephew or niece or a step-nephew or step-niece;
  - (vi) a grandchild or first cousin.

496.213 The sponsor:

- (a) is resident in a designated area; and
- (b) was resident in 1 or other of the designated areas throughout the period of 12 months immediately before Immigration receives the relevant sponsorship (except for short absences for the purposes of business or recreation).

496.214 The applicant has nominated a skilled occupation in his or her application.

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- 496.215 (1) Subject to subclause (2), the applicant has been employed in a skilled occupation:
- (a) if 60 points are specified by Gazette Notice as available for the skilled occupation nominated in the application — for a period of, or for periods totalling, at least 6 months in the period of 12 months immediately before the day on which the application was made; or
  - (b) if 40 or 50 points are specified by Gazette Notice as available for the skilled occupation nominated in the application — for a period of, or for periods totalling, at least 12 months in the period of 18 months immediately before the day on which the application was made.
- (2) Subclause (1) does not apply to an applicant if:
- (a) each of the following subparagraphs applies:
    - (i) the applicant has, in the 6 months immediately before the day on which the application is made, completed a degree, diploma or trade qualification (other than a degree, diploma or trade qualification in English language proficiency) for award by an Australian educational institution as a result of a course of study of at least 2 years at that institution while the applicant was present in Australia;
    - (ii) the degree, diploma or trade qualification is relevant to the skilled occupation nominated by the applicant in his or her application;
    - (iii) all instruction for that degree, diploma or trade qualification was conducted in English; or
  - (b) each of the following subparagraphs applies:
    - (i) the applicant has, in the 6 months immediately before the day on which the application is made, completed a degree, diploma or trade qualification (other than a degree, diploma or trade qualification in English language proficiency) for award by an Australian educational institution as a result of a course of study of less than 2 years at that institution while the applicant was present in Australia;

- 
- (ii) before completing that degree, diploma or trade qualification, the applicant completed at least 1 other degree, diploma or trade qualification (other than a degree, diploma or trade qualification in English language proficiency) for award by that institution, or another Australian educational institution, as a result of a course of study, while the applicant was present in Australia;
  - (iii) each of the degrees, diplomas or trade qualifications mentioned in subparagraphs (i) and (ii) was completed as a result of 1 or more courses of study undertaken over a total of at least 2 years while the applicant was present in Australia;
  - (iv) each of the degrees, diplomas or trade qualifications mentioned in subparagraphs (i) and (ii) was completed at the institution at which it was commenced;
  - (v) each of the degrees, diplomas or trade qualifications mentioned in subparagraphs (i) and (ii) is relevant to the skilled occupation nominated by the applicant in his or her application;
  - (vi) all instruction for each of the degrees, diplomas or trade qualifications mentioned in subparagraphs (i) and (ii) was conducted in English.

496.216 In determining whether the applicant satisfies a criterion that he or she has been employed in a skilled occupation for a certain period, a period of employment in Australia must not be counted unless the applicant:

- (a) held:
  - (i) a substantive visa; or
  - (ii) a Bridging A (Class WA) visa; or
  - (iii) a Bridging B (Class WB) visa;authorising him or her to work during that period; and
- (b) complied with the conditions of that visa.

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**496.22 Criteria to be satisfied at time of decision**

496.221 For an applicant:

- (a) who is the holder of a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa; or
- (b) in relation to whom the last substantive visa held by the applicant since last entering Australia was a visa of that kind;

clause 496.222 and clauses 496.227 to 496.234 only must be satisfied.

496.222 The sponsorship given with the applicant's application under paragraph 1226 (3) (g) of Schedule 1 has been approved by the Minister and is still in force.

496.223 The sponsor is still resident in a designated area.

496.224 If regulation 2.27B applies, the applicant provides, for the purposes of the application, the assessment of his or her skills mentioned in subregulation 2.27B (4).

496.225 (1) The skills of the applicant for the nominated skilled occupation have been assessed by the relevant assessing authority as suitable for that occupation.

(2) If the assessment mentioned in subclause (1) was made on the basis of a qualification obtained in Australia while the applicant was the holder of a student visa, the qualification was obtained as a result of full time study of a registered course.

496.226 Either the applicant has vocational English, or:

- (a) he or she has proficiency in English of at least the standard required for the award of 10 points for the language skill factor of the general points test specified in item 6311 of Schedule 6; and
- (b) his or her sponsor lives in a State or Territory specified by Gazette Notice as a State or Territory in which arrangements are established for suitable English-language training for applicants to whom this paragraph applies; and
- (c) the Minister is satisfied that the applicant has paid any fee or charge for that training.

- 496.227 No evidence has become available since the time of application that the information given or used as part of the assessment mentioned in paragraph 1226 (3) (f) of Schedule 1 is false or misleading in a material particular.
- 496.228 The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4009 and 4010.
- 496.229 If the applicant has previously been in Australia, the applicant satisfies special return criteria 5001, 5002 and 5010.
- 496.230 If the applicant held a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa at the time of application, the applicant has complied with the conditions of that visa.
- 496.231 Each member of the family unit of the applicant who is an applicant for a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa is a person who:
- (a) satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4009 and 4010; and
  - (b) if he or she has previously been in Australia, satisfies special return criteria 5001, 5002 and 5010.
- 496.232 Each member of the family unit of the applicant who is not an applicant for a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa is a person who:
- (a) satisfies public interest criteria 4001, 4002, 4003 and 4004; and
  - (b) satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.
- 496.233 If a person (the *additional applicant*):
- (a) is a member of the family unit of the applicant; and
  - (b) is under 18; and
  - (c) made a combined application with the applicant;
- public interest criteria 4015 and 4016 are satisfied in relation to the additional applicant.

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- 496.234 The Minister is satisfied that:
- (a) the applicant is the holder of a valid passport that:
    - (i) was issued to the applicant by an official source;  
and
    - (ii) is in the form issued by the official source; or
  - (b) it would be unreasonable to require the applicant to be the holder of a passport.

### **496.3 Secondary criteria**

*Note* These criteria must be satisfied by applicants who are members of the family unit of a person who satisfies the primary criteria.

#### **496.31 Criteria to be satisfied at time of application**

- 496.311 The applicant:
- (a) is a member of the family unit of, and made a combined application with, a person who satisfies the primary criteria in Subdivision 496.21; or
  - (b) is a member of the family unit of the holder of a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa.
- 496.312 The sponsorship given for the person who satisfies the primary criteria under paragraph 1226 (3) (g) of Schedule 1 includes sponsorship of the applicant.

#### **496.32 Criteria to be satisfied at time of decision**

- 496.321 The applicant continues to be a member of the family unit of a person who, having satisfied the primary criteria, is the holder of a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa.
- 496.322 The sponsorship mentioned in clause 496.312 has been approved by the Minister and is still in force.
- 496.323 If the applicant held a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa at the time of application, the applicant has complied with the conditions of the visa.

- 496.324 The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4009 and 4010.
- 496.325 If the applicant has previously been in Australia, the applicant satisfies special return criteria 5001, 5002 and 5010.
- 496.326 If the applicant is under 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.
- 496.327 The Minister is satisfied that:
- (a) the applicant is the holder of a valid passport that:
    - (i) was issued to the applicant by an official source; and
    - (ii) is in the form issued by the official source; or
  - (b) it would be unreasonable to require the applicant to be the holder of a passport.

#### **496.4 Circumstances applicable to grant**

- 496.411 An applicant who, at the time of application, is not the holder of a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa must be outside Australia when the visa is granted.
- 496.412 An applicant who, at the time of application, is the holder of a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa may be in or outside Australia, but not in immigration clearance, when the visa is granted.

*Note* The second instalment of the visa application charge must be paid before the visa can be granted.

#### **496.5 When visa is in effect**

- 496.511 Temporary visa permitting the holder to travel to, enter and remain in Australia until a date specified by the Minister.

#### **496.6 Conditions**

- 496.611 If the applicant is outside Australia at the time of grant, first entry must be made before a date specified by the Minister for the purpose.



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- 496.612 If the applicant satisfies the secondary criteria, either or both of conditions 8502 and 8514 may be imposed.
- 496.613 Condition 8515 may be imposed.
- 496.614 Condition 8549 is imposed.

**496.7 Way of giving evidence**

- 496.711 No evidence need be given.
- 496.712 If evidence is given, to be given by a label affixed to a valid passport.

**[10] Schedule 2, paragraph 773.213 (2) (zs)**

*omit*

(Class DG).

*insert*

(Class DG);

**[11] Schedule 2, after paragraph 773.213 (2) (zs)**

*insert*

(zt) Skilled — Designated Area-sponsored (Residence)  
(Class CC).

**[12] Schedule 2, paragraph 773.213 (3) (n)**

*omit*

(Class UU).

*insert*

(Class UU);

**[13] Schedule 2, after paragraph 773.213 (3) (n)**

*insert*

(o) Skilled — Designated Area-sponsored (Provisional)  
(Class UZ);

- (p) Skilled — Independent Regional (Provisional) (Class UX).

**[14] Schedule 2, after Part 882**

*insert*

**Subclass 883 Skilled — Designated Area-sponsored (Residence)**

**883.1 Interpretation**

883.111 In this Part:

*designated area* means an area specified by Gazette Notice under item 6701 in Schedule 6 as a designated area.

*Note* For *vocational English*, see regulation 1.15B.

**883.2 Primary criteria**

*Note* The primary criteria must be satisfied by at least 1 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.

**883.21 Criteria to be satisfied at time of application**

883.211 The applicant is sponsored by a person (the *sponsor*):

- (a) who is 18 or more; and
- (b) who is an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen; and
- (c) to whom the applicant, or the applicant's spouse, has 1 of the following relationships:
  - (i) a parent;
  - (ii) a child or adoptive child, or a step-child, who is not a dependent child of the sponsor;
  - (iii) a brother or sister, an adoptive brother or sister or a step-brother or step-sister;
  - (iv) an aunt or uncle, an adoptive aunt or uncle, or a step-aunt or step-uncle;

- 
- (v) a nephew or niece, an adoptive nephew or niece or a step-nephew or step-niece;
  - (vi) a grandchild or first cousin.
- 883.212 The applicant must have lived in a designated area for a total of at least 2 years while being the holder of:
- (a) a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa; or
  - (b) a Bridging A (Class WA) visa or a Bridging B (Class WB) visa granted because the applicant made a valid application for a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa.
- 883.213 The applicant must have undertaken a total of at least 12 months full time work in a designated area while being the holder of:
- (a) a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa; or
  - (b) a Bridging A (Class WA) visa or a Bridging B (Class WB) visa granted because the applicant made a valid application for a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa.
- 883.22 Criteria to be satisfied at time of decision**
- 883.221 The sponsorship given with the applicant's application under paragraph 1134 (3) (f) of Schedule 1 has been approved by the Minister and is still in force.
- 883.222 The applicant has vocational English.
- 883.223 No evidence has become available that the information given or used as part of the assessment of eligibility of the applicant for a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa is false or misleading in a material particular.
- 883.224 If the Minister has requested an assurance of support in relation to the applicant, the Minister is satisfied that the assurance of support has been accepted by the Secretary of the Department of Family and Community Services.
- 883.225 The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4007, 4009 and 4010.

- 883.226 If the applicant has previously been in Australia, the applicant satisfies special return criteria 5001, 5002 and 5010.
- 883.227 The applicant, and all of the applicants included in the application, have complied with the conditions of any Skilled — Designated Area-sponsored (Provisional) (Class UZ) visas held.
- 883.228 Each member of the family unit of the applicant who is an applicant for a Skilled — Designated Area-sponsored (Residence) (Class CC) visa is a person who:
- (a) either:
    - (i) if, at the time of the application, the member of the family unit was the holder of a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa — satisfies public interest criteria 4001, 4002, 4003, 4004, 4007, 4009 and 4010; or
    - (ii) in any other case — satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4009 and 4010; and
  - (b) if he or she has previously been in Australia, satisfies special return criteria 5001, 5002 and 5010.
- 883.229 Each member of the family unit of the applicant who is not an applicant for a Skilled — Designated Area-sponsored (Residence) (Class CC) visa is a person who:
- (a) satisfies public interest criteria 4001, 4002, 4003 and 4004; and
  - (b) if, at the time of the application, the member of the family unit was not the holder of a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa — satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion; and

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- (c) if, at the time of application, the member of the family unit was the holder of a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa — satisfies public interest criterion 4007, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.

883.230 If a person (the *additional applicant*):

- (a) is a member of the family unit of the applicant; and  
(b) is under 18; and  
(c) made a combined application with the applicant;

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

883.231 The Minister is satisfied that:

- (a) the applicant is the holder of a valid passport that:  
(i) was issued to the applicant by an official source; and  
(ii) is in the form issued by the official source; or  
(b) it would be unreasonable to require the applicant to be the holder of a passport.

### 883.3 Secondary criteria

*Note* These criteria must be satisfied by applicants who are members of the family unit of a person who satisfies the primary criteria.

#### 883.31 Criteria to be satisfied at time of application

883.311 The applicant is a member of the family unit of, and made a combined application with, a person who satisfies the primary criteria in Subdivision 883.21.

883.312 The sponsorship given for the person who satisfies the primary criteria under paragraph 1134 (3) (f) of Schedule 1 includes sponsorship of the applicant.

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**883.32 Criteria to be satisfied at time of decision**

- 883.321 The applicant continues to be a member of the family unit of a person who, having satisfied the primary criteria, is the holder of a Skilled — Designated Area-sponsored (Residence) (Class CC) visa.
- 883.322 The sponsorship referred to in clause 883.312 has been approved by the Minister and is still in force.
- 883.323 If the Minister has requested an assurance of support in relation to the person who satisfies the primary criteria, the Minister is satisfied that:
- (a) the applicant is included in the assurance given in relation to that person and that assurance has been accepted by the Secretary of the Department of Family and Community Services; or
  - (b) an assurance of support in relation to the applicant has been accepted by the Secretary of the Department of Family and Community Services.
- 883.324 The applicant satisfies:
- (a) either:
    - (i) if the applicant was, at the time of application, the holder of a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa — public interest criteria 4001, 4002, 4003, 4004, 4007, 4009 and 4010; or
    - (ii) in any other case — public interest criteria 4001, 4002, 4003, 4004, 4005, 4009 and 4010; and
  - (b) if he or she has previously been in Australia — special return criteria 5001, 5002 and 5010.
- 883.325 If the applicant is under 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.
- 883.326 The Minister is satisfied that:
- (a) the applicant is the holder of a valid passport that:
    - (i) was issued to the applicant by an official source; and
    - (ii) is in the form issued by the official source; or

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- (b) it would be unreasonable to require the applicant to be the holder of a passport.

### **883.4 Circumstances applicable to grant**

- 883.411 Applicant may be in or outside Australia when the visa is granted, but not in immigration clearance.

*Note* The second instalment of the visa application charge must be paid before the visa can be granted.

### **883.5 When visa is in effect**

- 883.511 Permanent visa permitting the holder to travel to, enter and remain in Australia for a period of 5 years from the date of grant.

### **883.6 Conditions: Nil.**

### **883.7 Way of giving evidence**

- 883.711 No evidence need be given.
- 883.712 If evidence is given, to be given by a label affixed to a valid passport.

### **[15] Schedule 8, after clause 8548**

*insert*

- 8549 While the holder is in Australia, the holder must live, study and work only in a designated area in the State or Territory in which the holder's sponsor lived when the holder was first granted a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa.

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### **Note**

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See [www.frli.gov.au](http://www.frli.gov.au).