



# **Migration Amendment (Temporary Sponsored Parent Visa and Other Measures) Regulations 2019**

---

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 04 April 2019

Peter Cosgrove  
Governor-General

By His Excellency's Command

David Coleman  
Minister for Immigration, Citizenship and Multicultural Affairs

---



---

# Contents

1	Name.....	1
2	Commencement .....	1
3	Authority.....	1
4	Schedules .....	1
	<b>Schedule 1—New family sponsorship framework</b>	<b>2</b>
	<i>Migration Regulations 1994</i>	2
	<b>Schedule 2—Temporary sponsored parent visa</b>	<b>26</b>
	<i>Migration Regulations 1994</i>	26
	<b>Schedule 3—Adequate arrangements for health insurance</b>	<b>32</b>
	<i>Migration Regulations 1994</i>	32



---

## 1 Name

This instrument is the *Migration Amendment (Temporary Sponsored Parent Visa and Other Measures) Regulations 2019*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	9 April 2019
2. Schedules 1 to 3	At the same time as Schedule 1 to the <i>Migration Amendment (Family Violence and Other Measures) Act 2018</i> commences.	17 April 2019

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the *Migration Act 1958*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—New family sponsorship framework

### *Migration Regulations 1994*

#### **1 Regulation 1.03**

Insert:

*aged care service* has the same meaning as in the *Aged Care Act 1997*.

*approved provider* has the same meaning as in the *Aged Care Act 1997*.

#### **2 Regulation 1.03 (paragraph (a) of the definition of *entertainment sponsor*)**

After “approved”, insert “work”.

#### **3 Regulation 1.03 (paragraph (b) of the definition of *entertainment sponsor*)**

After “approved as a”, insert “work”.

#### **4 Regulation 1.03**

Insert:

*has an outstanding public health debt* has the meaning given by regulation 1.15K.

#### **5 Regulation 1.03 (paragraph (a) of the definition of *long stay activity sponsor*)**

After “approved”, insert “work”.

#### **6 Regulation 1.03 (paragraph (b) of the definition of *long stay activity sponsor*)**

After “approved as a”, insert “work”.

#### **7 Regulation 1.03**

Insert:

*parent sponsor* means a person who has been approved as a family sponsor in relation to the parent sponsor class under subsection 140E(1A) of the Act.

#### **8 Regulation 1.03 (paragraph (a) of the definition of *professional development sponsor*)**

After “approved”, insert “work”.

#### **9 Regulation 1.03 (paragraph (b) of the definition of *professional development sponsor*)**

After “approved as a”, insert “work”.

**10 Regulation 1.03 (paragraph (a) of the definition of *special program sponsor*)**

After “approved”, insert “work”.

**11 Regulation 1.03 (paragraph (b) of the definition of *special program sponsor*)**

After “approved as a”, insert “work”.

**12 Regulation 1.03 (paragraph (a) of the definition of *standard business sponsor*)**

After “approved”, insert “work”.

**13 Regulation 1.03 (paragraph (b) of the definition of *standard business sponsor*)**

After “approved as a”, insert “work”.

**14 Regulation 1.03 (paragraph (a) of the definition of *superyacht crew sponsor*)**

After “approved”, insert “work”.

**15 Regulation 1.03 (paragraph (b) of the definition of *superyacht crew sponsor*)**

After “approved as a”, insert “work”.

**16 Regulation 1.03 (paragraph (a) of the definition of *temporary activities sponsor*)**

After “approved”, insert “work”.

**17 Regulation 1.03 (paragraph (b) of the definition of *temporary activities sponsor*)**

After “approved as a”, insert “work”.

**18 Regulation 1.03 (paragraph (a) of the definition of *training and research sponsor*)**

After “approved”, insert “work”.

**19 Regulation 1.03 (paragraph (b) of the definition of *training and research sponsor*)**

After “approved as a”, insert “work”.

**20 At the end of Division 1.2 of Part 1**

Add:

**1.15K When a person has an outstanding public health debt**

A person *has an outstanding public health debt* if:

- (a) the person incurs an expense of either or both of the following kinds:

- (i) a medical, hospital or other health-related expense arising from the treatment, on or after 17 April 2019, of the person in a public hospital or other public health facility;
  - (ii) an expense arising from the provision of an aged care service to the person, on or after 17 April 2019, by an approved provider of a kind mentioned in section 8-6 of the *Aged Care Act 1997*; and
- (b) a State, Territory or local government authority notifies Immigration, in accordance with an agreement between the authority and Immigration, that the expense (in whole or in part) is an unpaid debt owed by the person to the authority; and
- (c) the notification has not been withdrawn by the authority.

**21 Subparagraph 2.12F(2)(g)(ii)**

After “approved”, insert “work”.

**22 Paragraphs 2.12F(2)(h) and 2.43(1)(lc), (ld) and (le)**

After “approved” (wherever occurring), insert “work”.

**23 Paragraph 2.43(1B)(a)**

After “as a”, insert “work”.

**24 Paragraphs 2.43(1B)(a) and (d)**

After “approved”, insert “work”.

**25 At the end of regulation 2.56**

Add:

; (n) the Subclass 870 (Sponsored Parent (Temporary)) visa.

**26 Subregulation 2.57(1)**

Insert:

*ineligible sponsor* has the meaning given by subregulation 2.60U(2).

*meets the conduct requirements* has the meaning given by regulation 2.60X.

*meets the general sponsor requirements* has the meaning given by regulation 2.60V.

*meets the outstanding debt requirements* has the meaning given by regulation 2.60Y.

*meets the partner requirements* has the meaning given by regulation 2.60Z.

*passes the income test* has the meaning given by regulation 2.60W.

*permitted sponsored person*: a person (the *first person*) is a *permitted sponsored person* in relation to another person (the *second person*) if:

- (a) the first person is a parent of the second person; or
- (b) both of the following apply:
  - (i) the first person is a parent of the spouse or de facto partner of the second person;



- (ii) the spouse or de facto partner is an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen; or
- (c) all of the following apply:
  - (i) the first person is a parent of a deceased spouse or de facto partner (the *deceased partner*) of the second person or a spouse or de facto partner of such a parent;
  - (ii) immediately before the death of the deceased partner, the deceased partner was the parent sponsor of the first person;
  - (iii) no more than 90 days after the death of the deceased partner, the second person makes an application, in accordance with the process referred to in regulation 2.61A, for approval as a family sponsor of the first person;
  - (iv) the first person holds a Subclass 870 (Sponsored Parent (Temporary)) visa.

*previously sponsored parent*: a person (the *parent*) is a *previously sponsored parent* in relation to another person (the *sponsoring child*) if the sponsoring child, or a spouse or de facto partner of the sponsoring child, was previously the parent sponsor of the parent.

**27 Subregulation 2.57(1) (paragraph (a) of the definition of *primary sponsored person*)**

After “approved as a”, insert “work”.

**28 Subregulation 2.57(1) (sub-subparagraph (a)(i)(A) of the definition of *primary sponsored person*)**

Omit “prescribed for the purpose of section 140A of the Act”, substitute “of a kind mentioned in regulation 2.56 (other than a Subclass 870 (Sponsored Parent (Temporary)) visa)”.

**29 Subregulation 2.57(1) (sub-subparagraph (a)(ii)(C) of the definition of *primary sponsored person*)**

Omit “prescribed for section 140A of the Act”, substitute “of a kind mentioned in regulation 2.56 (other than a Subclass 870 (Sponsored Parent (Temporary)) visa)”.

**30 Subregulation 2.57(1) (paragraph (a) of the definition of *secondary sponsored person*)**

After “approved as a”, insert “work”.

**31 Subregulation 2.57(1) (sub-subparagraphs (a)(i)(A), (ii)(A), (iii)(C) and (iv)(C) of the definition of *secondary sponsored person*)**

Omit “prescribed for the purposes of section 140A of the Act”, substitute “of a kind mentioned in regulation 2.56 (other than a Subclass 870 (Sponsored Parent (Temporary)) visa)”.

**32 Subregulation 2.57(1)**

Insert:

*sponsorship start day* for a person means the day on which the person is approved as a family sponsor in relation to the parent sponsor class under subsection 140E(1A) of the Act.

**33 Regulation 2.58**

Before “For”, insert “(1)”.

**34 Regulation 2.58**

After “For”, insert “the purposes of”.

**35 Regulation 2.58**

After “approved as a”, insert “work”.

**36 Regulation 2.58 (note)**

Repeal the note, substitute:

Note: A person (other than a Minister) who is a party to a work agreement is an approved work sponsor and does not need to be approved as a work sponsor under subsection 140E(1) of the Act (see paragraph (b) of the definition of *approved work sponsor* in subsection 5(1) of the Act).

**37 At the end of regulation 2.58 (after the note)**

Add:

- (2) For the purposes of subsection 140E(2) of the Act, a parent sponsor is a class of sponsor in relation to which a person may be approved as a family sponsor.

**38 Division 2.13 of Part 2A (heading)**

After “of”, insert “work”.

**39 Division 2.13 of Part 2A (note to Division heading)**

Repeal the note, substitute:

Note: A person (other than a Minister) who is a party to a work agreement is an approved work sponsor and does not need to be approved as a work sponsor under subsection 140E(1) of the Act (see paragraph (b) of the definition of *approved work sponsor* in subsection 5(1) of the Act).

**40 Regulation 2.60S (heading)**

After “classes of”, insert “work”.

**41 Subregulations 2.60S(2) and (3)**

Before “sponsor” (wherever occurring), insert “work”.

**42 After Division 2.13 of Part 2A**

Insert:

**Division 2.13A—Criteria for approval of family sponsor**

**2.60T Purpose of Division**

This Division is made for the purposes of subsection 140E(1A) of the Act.

---

**2.60U Criteria for approval as a parent sponsor**

- (1) If a person applies for approval as a family sponsor in relation to the parent sponsor class, the Minister must approve the applicant as a family sponsor in relation to that class if the Minister is satisfied that:
- (a) the applicant is not an ineligible sponsor; and
  - (b) the application was made in accordance with the process referred to in regulation 2.61A; and
  - (c) subject to subregulations (3) and (4) of this regulation, the application specifies no more than 2 persons as persons whom the applicant intends to sponsor; and
  - (d) those specified persons are permitted sponsored persons in relation to the applicant; and
  - (e) the applicant meets the general sponsor requirements (see regulation 2.60V); and
  - (f) the applicant passes the income test (see regulation 2.60W); and
  - (g) the applicant meets the conduct requirements (see regulation 2.60X); and
  - (h) the applicant meets the outstanding debt requirements (see regulation 2.60Y); and
  - (i) if the applicant has a spouse or de facto partner—the spouse or de facto partner meets the partner requirements (see regulation 2.60Z).

*Ineligible sponsor*

- (2) The applicant is an **ineligible sponsor** if:
- (a) 3 or more previously sponsored parents in relation to the applicant were granted Subclass 870 (Sponsored Parent (Temporary)) visas; and
  - (b) at least 3 of those parents:
    - (i) have not left Australia since their Subclass 870 (Sponsored Parent (Temporary)) visas ceased to be in effect; and
    - (ii) do not hold permanent visas.

*One previously sponsored parent in Australia*

- (3) If:
- (a) one or more previously sponsored parents in relation to the applicant were granted a Subclass 870 (Sponsored Parent (Temporary)) visa; and
  - (b) that parent or one of those parents:
    - (i) has not left Australia since their Subclass 870 (Sponsored Parent (Temporary)) visa ceased to be in effect; and
    - (ii) does not hold a permanent visa;

the application must not specify 2 persons as persons whom the applicant intends to sponsor unless one of those specified persons is the parent referred to in paragraph (b).

*Two previously sponsored parents in Australia*

- (4) If:
- (a) 2 or more previously sponsored parents in relation to the applicant were granted Subclass 870 (Sponsored Parent (Temporary)) visas; and
  - (b) 2 of those parents:

- (i) have not left Australia since their Subclass 870 (Sponsored Parent (Temporary)) visas ceased to be in effect; and
- (ii) do not hold permanent visas;

the application must not specify persons as persons whom the applicant intends to sponsor unless those specified persons are one or both of the parents referred to in paragraph (b).

## 2.60V When an applicant meets the general sponsor requirements

An applicant for approval as a family sponsor in relation to the parent sponsor class **meets the general sponsor requirements** if:

- (a) the applicant is at least 18; and
- (b) the applicant has satisfied the Minister as to the applicant's identity; and
- (c) the applicant is an Australian citizen or all of the following apply:
  - (i) the applicant is an Australian permanent resident or an eligible New Zealand citizen;
  - (ii) the applicant has been usually resident in Australia for at least the 4 years immediately before the day the application is made;
  - (iii) at no time during those 4 years has the applicant been an unlawful non-citizen or the holder of a bridging visa (other than a Bridging A (Class WA), Bridging B (Class WB) or Bridging C (Class WC) visa); and
- (d) the applicant has agreed that information about the applicant provided in relation to the application may be disclosed to any permitted sponsored person in relation to the applicant who is specified in the application.

## 2.60W When an applicant passes the income test

*Applicant's taxable income only*

- (1) An applicant for approval as a family sponsor in relation to the parent sponsor class **passes the income test** if the applicant's taxable income, for the income year or each of the income years specified in an instrument under subregulation (4), is at least equal to the amount specified in such an instrument.

*Applicant's taxable income combined with other taxable incomes*

- (2) An applicant for approval as a family sponsor in relation to the parent sponsor class **passes the income test** if:
  - (a) the sum of:
    - (i) the taxable income of the applicant; and
    - (ii) any taxable income of either or both of the persons specified in subregulation (3);for the income year or each of the income years specified in an instrument under subregulation (4), is at least equal to the amount specified in such an instrument; and
  - (b) the taxable income of the applicant, for that year or each of those years, is at least equal to half of that amount.
- (3) The following persons are specified for the purposes of subparagraph (2)(a)(ii):
  - (a) the spouse or de facto partner of the applicant;

- 
- (b) one child of a permitted sponsored person in relation to the applicant if:
    - (i) that permitted sponsored person is specified in the application; and
    - (ii) that child is an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen.

*Specified amounts and years*

- (4) The Minister may, by legislative instrument, specify:
  - (a) an amount or amounts for the purposes of subregulations (1) and (2); and
  - (b) an income year or income years for the purposes of subregulations (1) and (2).

*Definitions*

- (5) In this regulation:

**income year** has the meaning given by the *Income Tax Assessment Act 1997*.

**taxable income** has the meaning given by the *Income Tax Assessment Act 1997*.

## **2.60X When an applicant meets the conduct requirements**

- (1) An applicant for approval as a family sponsor in relation to the parent sponsor class **meets the conduct requirements** if:
  - (a) either:
    - (i) the applicant complies with subregulation (2); or
    - (ii) it is reasonable to disregard the applicant's failure to do so; and
  - (b) either:
    - (i) there is no adverse information known to Immigration about the applicant or a person associated with the applicant; or
    - (ii) it is reasonable to disregard any such information; and
  - (c) in the case where the applicant has previously been a parent sponsor—either:
    - (i) the applicant has not failed to satisfy a sponsorship obligation under Subdivision 2.19.2 (which deals with sponsorship obligations of approved family sponsors etc.); or
    - (ii) it is reasonable to disregard any such failure.
- (2) An applicant complies with this subregulation if:
  - (a) in the case where the applicant spent more than 12 months cumulatively in a foreign country since the later of the day that is 10 years before the day the application is made and the day the applicant turned 16—the applicant provides a police check relating to whether the applicant has committed any offences in the foreign country; and
  - (b) in the case where the applicant has spent more than 12 months cumulatively in Australia since the later of the day that is 10 years before the day the application is made and the day the applicant turned 16—the applicant provides an Australian Federal Police check.

## 2.60Y When a person meets the outstanding debt requirements

- (1) An applicant for approval as a family sponsor in relation to the parent sponsor class *meets the outstanding debt requirements* if both subregulations (2) and (3) apply.

### *Outstanding public health debts*

- (2) This subregulation applies if:
- (a) none of the following persons have an outstanding public health debt:
    - (i) the applicant;
    - (ii) if the applicant has a spouse or de facto partner—the spouse or de facto partner;
    - (iii) a permitted sponsored person in relation to the applicant who is specified in the application;
    - (iv) a previously sponsored parent (if any) in relation to the applicant; or
  - (b) both of the following apply:
    - (i) any one or more of the persons mentioned in paragraph (a) has an outstanding public health debt;
    - (ii) each such debt has been paid in full or appropriate arrangements have been made for its payment.

### *Outstanding debts to the Commonwealth*

- (3) This subregulation applies if:
- (a) the applicant does not have any outstanding debts to the Commonwealth; or
  - (b) appropriate arrangements have been made for payment of all of the applicant's outstanding debts to the Commonwealth.

## 2.60Z When a person meets the partner requirements

A person (the *partner*) who is the spouse or de facto partner of an applicant for approval as a family sponsor in relation to the parent sponsor class *meets the partner requirements* if:

- (a) the partner is not a parent sponsor; and
- (b) in the case where the partner has previously been a parent sponsor—either:
  - (i) the partner has not failed to satisfy a sponsorship obligation under Subdivision 2.19.2 (which deals with the sponsorship obligations of approved family sponsors etc.); or
  - (ii) it is reasonable to disregard any such failure.

## 43 Regulation 2.61 (heading)

After “approval as a”, insert “work”.

## 44 Subregulation 2.61(1)

Repeal the subregulation, substitute:

- (1) For the purposes of subsection 140F(1) of the Act, a person may apply to the Minister for approval as a work sponsor, in relation to a class of sponsor

specified in subregulation 2.58(1), in accordance with the process set out in this regulation.

**Note:** A person (other than a Minister) who is a party to a work agreement is an approved work sponsor and does not need to be approved as a work sponsor under subsection 140E(1) of the Act (see paragraph (b) of the definition of *approved work sponsor* in subsection 5(1) of the Act).

## **45 After regulation 2.61**

Insert:

### **2.61A Application for approval as family sponsor**

- (1) For the purposes of subsection 140F(1) of the Act, a person may apply to the Minister for approval as a family sponsor, in relation to a class of sponsor specified in subregulation 2.58(2), in accordance with the process set out in this regulation.
- (2) An application for approval as a family sponsor:
  - (a) must not be made by a person who is an approved family sponsor; and
  - (b) must not be made by a person at a particular time if:
    - (i) the person, or the spouse or de facto partner of the person, has previously made such an application; and
    - (ii) at that time, that application has not been finally determined; and
  - (c) must not be made after a day, or during a period, specified in an instrument under subregulation (4).
- (3) An application for approval as a family sponsor:
  - (a) must be made using the internet; and
  - (b) must be made using the form specified in an instrument under subregulation (4); and
  - (c) must be accompanied by the fee specified in an instrument under subregulation (4).
- (4) The Minister may, by legislative instrument, specify any or all of the following:
  - (a) a day, or a period, for the purposes of paragraph (2)(c);
  - (b) a form for the purposes of paragraph (3)(b);
  - (c) a fee for the purposes of paragraph (3)(c).

## **46 Subregulation 2.62(1)**

Omit “The Minister must notify an applicant for approval as a sponsor, in writing, of a decision under subsection 140E(1) of the Act”, substitute “If the Minister makes a decision under subsection 140E(1) of the Act about an application for approval as a work sponsor, the Minister must give written notice of the decision to the applicant”.

## **47 After subregulation 2.62(1)**

Insert:

- (1A) If the Minister makes a decision under subsection 140E(1A) of the Act about an application for approval as a family sponsor, the Minister must give written notice of the decision to the applicant:
  - (a) within a reasonable period after making the decision; and

- (b) by attaching a written copy of the decision; and
- (c) if the decision is to refuse the application—by attaching a statement of reasons for the decision.

#### **48 Subregulation 2.62(2)**

Omit “the notification to the applicant”, substitute “notification to an applicant under subregulation (1) or (1A)”.

#### **49 At the end of Division 2.15 of Part 2A**

Add:

##### **2.64B Parent sponsor**

- (1) For the purposes of subsection 140G(2) of the Act, an approval of a person as a parent sponsor has effect only in relation to a permitted sponsored person specified in the approval.
- (2) For the purposes of subsection 140G(3) of the Act, an approval of a person as the parent sponsor of a permitted sponsored person specified in the approval ceases to have effect if:
  - (a) any permanent visa held by the parent sponsor is cancelled; or
  - (b) the parent sponsor dies; or
  - (c) Immigration receives notification, in writing, of the withdrawal by the parent sponsor of his or her sponsorship of the specified person; or
  - (d) the specified permitted sponsored person fails to apply for a Subclass 870 (Sponsored Parent (Temporary)) visa before the end of the period of 6 months starting on:
    - (i) if a term of the approval of the parent sponsor has been varied so that the approval also has effect in relation to that person—the day the variation is made; or
    - (ii) otherwise—the sponsorship start day for the parent sponsor; or
  - (e) the Subclass 870 (Sponsored Parent (Temporary)) visa held by the specified permitted sponsored person ceases to have effect.
- (3) To avoid doubt, if:
  - (a) the approval as a parent sponsor has effect in relation to 2 permitted sponsored persons specified in the approval; and
  - (b) an event mentioned in paragraph (2)(c), (d) or (e) happens in relation to only one of those persons;the approval continues to have effect in relation to the other person.
- (4) Subregulations (2) and (3) do not limit Division 2.20 of this Part (which is about circumstances in which an approved sponsor may be barred or an approved sponsor’s approval may be cancelled).

#### **50 Regulation 2.65**

Repeal the regulation, substitute:

##### **2.65 Application of this Division**

This Division applies in relation to an approval as:

---



- 
- (a) a temporary activities sponsor; or
  - (b) a parent sponsor.

**51 Subregulation 2.66(1)**

After “sponsor”, insert “or a parent sponsor”.

**52 Paragraph 2.66(5)(a)**

After “sponsor”, insert “or a parent sponsor”.

**53 Regulation 2.67**

Before “For”, insert “(1)”.

**54 At the end of regulation 2.67**

Add:

- (2) For the purposes of paragraph 140GA(2)(a) of the Act, the term set out in subregulation 2.64B(1) is a term of an approval as a parent sponsor that may be varied.

**55 Subregulations 2.68J(2) and (3)**

Before “sponsor” (wherever occurring), insert “work”.

**56 After regulation 2.68J**

Insert:

**2.68K Criteria for variation of terms of approval—parent sponsor**

- (1) This regulation is made for the purposes of paragraph 140GA(2)(b) of the Act.
- (2) If a parent sponsor applies for a variation of the term of the parent sponsor’s approval that is referred to in subregulation 2.64B(1), the Minister must vary the term if the Minister is satisfied that:
  - (a) the parent sponsor has applied for the variation in accordance with the process referred to in regulation 2.66; and
  - (b) the approval of the parent sponsor has effect in relation to only one specified person (the *currently sponsored parent*); and
  - (c) the effect of the variation will be that the approval will have effect in relation to a second specified person (the *additional parent*) who is a permitted sponsored person in relation to the parent sponsor; and
  - (d) one or more of the following applies in relation to each previously sponsored parent (if any) in relation to the parent sponsor:
    - (i) the parent is the additional parent;
    - (ii) the parent holds a permanent visa;
    - (iii) the parent held a Subclass 870 (Sponsored Parent (Temporary)) visa that has ceased to be in effect and has left Australia; and
  - (e) either:
    - (i) none of the persons specified in subregulation (3) have an outstanding public health debt; or

- (ii) if any one or more of those persons have an outstanding public health debt, each such debt has been paid in full or appropriate arrangements have been made for its payment; and
  - (f) the parent sponsor has agreed that information about the parent sponsor provided in relation to the application may be disclosed to the additional parent; and
  - (g) either:
    - (i) there is no adverse information known to Immigration about the parent sponsor or a person associated with the parent sponsor; or
    - (ii) it is reasonable to disregard any such information; and
  - (h) either:
    - (i) the parent sponsor has not failed to satisfy a sponsorship obligation under Subdivision 2.19.2 (which deals with sponsorship obligations of approved family sponsors etc.) relating to the parent sponsor's sponsorship of the currently sponsored parent; or
    - (ii) it is reasonable to disregard any such failure.
- (3) The following persons are specified for the purposes of paragraph (2)(e):
- (a) the parent sponsor;
  - (b) if the parent sponsor has a spouse or de facto partner—the spouse or de facto partner;
  - (c) the currently sponsored parent;
  - (d) the additional parent;
  - (e) a previously sponsored parent (if any) in relation to the parent sponsor.
- (4) If the Minister varies the term, the additional parent is taken to be specified in the approval for the purposes of the Act and these Regulations.

### **57 Subregulation 2.69(1)**

Omit “The Minister must notify an applicant for a variation of a term of an approval, in writing, of a decision under subsection 140GA(2) of the Act”, substitute “If the Minister makes a decision about varying a term of a person’s approval as a work sponsor or family sponsor under subsection 140GA(2) of the Act, the Minister must give written notice of the decision to the person”.

### **58 Subregulation 2.72(2) (note)**

After “approved”, insert “work”.

### **59 Regulation 2.72AA**

After “prescribed class of”, insert “approved”.

### **60 Subregulation 2.72B(1)**

After “approved”, insert “work”.

### **61 Paragraphs 2.75(2)(a) and 2.75A(2)(a)**

After “approved”, insert “work”.

### **62 Division 2.19 of Part 2A (after the heading)**

Insert:

---

**Subdivision 2.19.1—Sponsorship obligations of approved work sponsors etc.**

**63 Regulation 2.77**

Omit “Division”, substitute “Subdivision”.

**64 Subregulation 2.78(1)**

After “approved”, insert “work”.

**65 Subregulation 2.78(4)**

After “was approved as a”, insert “work”.

**66 Paragraph 2.78(4)(a)**

After “approved as a”, insert “work”.

**67 Paragraph 2.78(4)(b)**

Omit “ceased to be a”, substitute “ceased to be an approved work”.

**68 Paragraphs 2.79(1)(b) and 2.80(1)(d)**

After “approved”, insert “work”.

**69 Subparagraphs 2.80(5)(b)(i) and (c)(i) and 2.80A(4)(b)(i) and (c)(i)**

After “approved”, insert “work”.

**70 Subregulations 2.81(1) and 2.82(1)**

After “approved”, insert “work”.

**71 Subregulation 2.82(4)**

After “was approved as a”, insert “work”.

**72 Paragraph 2.82(4)(a)**

After “approved as a”, insert “work”.

**73 Subparagraph 2.82(4)(b)(i)**

After “approved”, insert “work”.

**74 Subregulation 2.83(1)**

After “approved”, insert “work”.

**75 Subregulation 2.83(4)**

After “was approved as a”, insert “work”.

**76 Paragraph 2.83(4)(a)**

After “approved as a”, insert “work”.

**77 Subparagraph 2.83(4)(b)(i)**

After “approved”, insert “work”.

**78 Subregulation 2.84(1)**

After “approved”, insert “work”.

**79 Paragraphs 2.84(3)(b) and (4)(a)**

After “approval as a”, insert “work”.

**80 Subregulation 2.84(7)**

After “was approved as a”, insert “work”.

**81 Paragraph 2.84(7)(a)**

After “approved as a”, insert “work”.

**82 Subparagraph 2.84(7)(b)(i)**

After “approved”, insert “work”.

**83 Paragraphs 2.85(1)(a), (d) and (e)**

After “approved”, insert “work”.

**84 Subregulation 2.85(2) (example)**

After “approved”, insert “work”.

**85 Subparagraphs 2.85(4)(b)(i) and (c)(i)**

After “approved”, insert “work”.

**86 Subregulation 2.86(1)**

After “approved” (wherever occurring), insert “work”.

**87 Subparagraph 2.86(3)(b)(i)**

After “approved”, insert “work”.

**88 Subregulations 2.86A(1) and 2.87(1)**

After “approved”, insert “work”.

**89 Subparagraphs 2.87(1A)(a)(i) to (iii) and (b)(i) to (iii)**

After “approved”, insert “work”.

**90 Paragraphs 2.87(1A)(c) and (d)**

Before “sponsor”, insert “work”.

**91 Subparagraphs 2.87(1B)(a)(i) to (iii), and (b)(i) to (iii)**

After “approved”, insert “work”.

**92 Paragraphs 2.87(1B)(c) and (d)**

Before “sponsor”, insert “work”.

**93 Subregulation 2.87(3)**

After “was approved as a”, insert “work”.

**94 Paragraph 2.87(3)(a)**

After “approved as a”, insert “work”.

**95 Subparagraph 2.87(3)(b)(i)**

After “approved”, insert “work”.

**96 Subregulation 2.87C(2)**

After “approval as a”, insert “work”.

**97 At the end of Division 2.19 of Part 2A**

Add:

**Subdivision 2.19.2—Sponsorship obligations of approved family sponsors etc.****2.87CA Sponsorship obligations**

- (1) For the purposes of subsection 140H(1) of the Act, each of the obligations mentioned in this Subdivision is a sponsorship obligation.
- (2) For the purposes of paragraph 140HA(2A)(aa) of the Act, the following expenses are prescribed:
  - (a) medical, hospital or other health-related expenses arising from the treatment of a person in a public hospital or other public health facility;
  - (b) expenses arising from the provision of an aged care service to a person by an approved provider of a kind mentioned in section 8-6 of the *Aged Care Act 1997*.

**2.87CB Obligation to keep records**

- (1) A person who is or was an approved family sponsor must keep records of a kind, and in a manner, specified in an instrument under subregulation (2) during the period:
  - (a) starting on the sponsorship start day for the person; and
  - (b) ending 2 years after the day the person ceases to be an approved family sponsor.
- (2) The Minister may, by legislative instrument, specify either or both of the following for the purposes of subregulation (1):
  - (a) a kind of record;
  - (b) a manner of keeping records of that kind.

**2.87CC Obligation to give records to the Minister**

- (1) If a person who is or was an approved family sponsor is given a notice under subregulation (2) during the period:
  - (a) starting on the sponsorship start day for the person; and
  - (b) ending 2 years after the day the person ceases to be an approved family sponsor;
 the person must comply with the notice.

- (2) The Minister may, by written notice given to a person who is or was an approved family sponsor, request the person to give, within a specified period and in a specified manner, either or both of the following to the Minister:
  - (a) a record of a kind that the person is required to keep under regulation 2.87CB;
  - (b) records:
    - (i) that the person is required to keep under a law of the Commonwealth, or of a State or Territory, that applies to the person; and
    - (ii) that relate to the administration of Division 3A of Part 2 of the Act and the regulations made under that Division.
- (3) The period specified in the notice must not end less than 7 days after the person is taken to have received the notice.

Note: See section 494C of the Act for when a person is taken to have received a document given by one of the methods specified in section 494B of the Act.

### **2.87CD Obligation to give information to Immigration when certain events occur**

- (1) If an event mentioned in subregulation (2) occurs in relation to a person who is an approved family sponsor, the person must give details of the event to Immigration:
  - (a) within 28 days of the event occurring; and
  - (b) in the manner specified in an instrument under subregulation (3).
- (2) The events are the following:
  - (a) a change to any information provided to Immigration whether in the person's application for approval as a family sponsor or otherwise;
  - (b) the person is charged with, or convicted of, an offence;
  - (c) a debt the person has incurred to the Commonwealth becomes overdue;
  - (d) the person becomes the subject of an apprehended violence order, or a similar order, issued under a law of a State or Territory or a foreign country;
  - (e) a person sponsored by the person dies.
- (3) The Minister may, by legislative instrument, specify a manner for the purposes of paragraph (1)(b).

### **2.87CE Obligation to pay outstanding public health debt of sponsored person**

- (1) This regulation applies to a person (the *first person*) who is or was the parent sponsor of another person (the *sponsored person*).
- (2) If:
  - (a) the sponsored person has an outstanding public health debt; and
  - (b) the debt relates to an expense incurred by the sponsored person:
    - (i) during the period in which the first person is the parent sponsor of the sponsored person; or
    - (ii) during the period after the first person ceases to be the parent sponsor of the sponsored person but before the sponsored person next leaves Australia or is granted a permanent visa;

---

the first person must, as soon as practicable, pay the debt in full.

### **2.87CF Obligation to support sponsored person financially and in respect of accommodation**

A person who is or was the parent sponsor of another person (the *sponsored person*) must assist the sponsored person, to the extent necessary, financially and in relation to accommodation during the period:

- (a) starting at the time the sponsored person is granted a Subclass 870 (Sponsored Parent (Temporary)) visa; and
- (b) ending at the time:
  - (i) a Subclass 870 (Sponsored Parent (Temporary)) visa held by the sponsored person has ceased to be in effect and the sponsored person has left Australia; or
  - (ii) the sponsored person is granted a substantive visa.

### **98 Regulation 2.87D**

Before “For”, insert “(1)”.

### **99 At the end of regulation 2.87D**

Add:

- (2) For the purposes of subsection 140K(7) of the Act, the Minister is not required to publish information under subsection 140K(4) of the Act that relates to an approved family sponsor or former approved family sponsor.

### **100 At the end of subregulations 2.89(1), 2.90(1) and 2.91(1)**

Add:

; or (e) a parent sponsor.

### **101 Paragraph 2.91(2)(a)**

Repeal the paragraph, substitute:

- (a) the person no longer satisfies the criteria prescribed under subsection 140E(1) or (1A) of the Act at the time the person was approved as a work sponsor or family sponsor (as the case may be); or

### **102 Paragraph 2.91(2)(b)**

Omit “or temporary activities sponsor”, substitute “, temporary activities sponsor or parent sponsor”.

### **103 Paragraph 2.91(3)(b)**

After “approval as a”, insert “work sponsor or family”.

### **104 At the end of subregulation 2.92(1)**

Add:

; or (e) a parent sponsor.

### **105 Subregulation 2.92(2) (heading)**

Repeal the heading, substitute:

*Contravention of law by person*

**106 Subregulation 2.92(2)**

Omit “a person who is or was a standard business sponsor, a temporary activities sponsor, a professional development sponsor or a temporary work sponsor”, substitute “the person”.

**107 Subregulation 2.92(4) (heading)**

Repeal the heading, substitute:

*Contravention of law by primary sponsored person*

**108 Paragraphs 2.93(3)(d) and 2.94(4)(d)**

After “person as a”, insert “work”.

**109 At the end of Division 2.20 of Part 2A**

Add:

**2.94B Change of circumstances relating to approved family sponsor etc.**

For the purposes of subparagraph 140L(1)(a)(ii) of the Act, an additional circumstance in relation to a person (the *first person*) who is or was an approved family sponsor of another person (the *sponsored person*) is that the Minister is satisfied of any of the following:

- (a) the first person has been involved in:
  - (i) activities that endanger or threaten any individual; or
  - (ii) activities disruptive to, or violence threatening harm to, the Australian community or a group within the Australian community;
- (b) adverse information about the first person, or another person associated with the first person, has become known to Immigration;
- (c) the first person, or the sponsored person, has an outstanding public health debt;
- (d) there has been a material change in the circumstances on the basis of which the first person was approved as a family sponsor.

**110 Regulation 2.101**

Before “For”, insert “(1)”.

**111 Section 2.101**

Omit “subsection 140O(3) of the Act, the criteria to be taken into account by the Minister in determining whether to waive a bar”, substitute “the purposes of subsection 140O(3) of the Act, the criteria to be taken into account by the Minister in determining whether to waive a bar placed on an approved work sponsor”.

**112 At the end of regulation 2.101**

Add:

- (2) For the purposes of subsection 140O(3) of the Act, the criteria to be taken into account by the Minister in determining whether to waive a bar placed on an approved family sponsor are:



- 
- (a) whether the person has made the request to waive the bar in accordance with the process set out in regulation 2.102; and
  - (b) whether significant new evidence or information has come to light which was not available at the time the decision to place the bar was made; and
  - (c) whether there are exceptional circumstances that justify waiving the bar.

**113 Regulation 2.102C (note 2)**

Omit “a sponsor may be barred or a sponsor’s”, substitute “an approved sponsor may be barred or an approved sponsor’s”.

**114 Regulation 2.102C (note 3)**

Omit “a sponsor or to bar a sponsor”, substitute “an approved sponsor or to bar an approved sponsor”.

**115 After Division 2.22A of Part 2A**

Insert:

**Division 2.22B—Liability and recovery of amounts****2.102D Liability to pay amounts**

For the purposes of subsection 140S(1) of the Act, the amount that a person is required to pay under subregulation 2.87CE(2) is prescribed in relation to the sponsorship obligation mentioned in that subregulation.

**116 Regulation 2.103 (heading)**

Repeal the heading, substitute:

**2.103 Disclosure of personal information by Minister—approved work sponsors etc.****117 Before subregulation 2.103(1)**

Insert:

*Information about visa holders or former visa holders*

**118 Subregulation 2.103(1)**

Omit all the words from and including “For” to and including “subregulation (3),”, substitute “For the purposes of subsection 140ZH(1) of the Act, the kinds of information about a holder, or former holder, of a visa of a kind mentioned in subregulation (2A) that may be disclosed by the Minister in accordance with that subsection”.

**119 Subparagraph 2.103(1)(e)(i)**

Repeal the subparagraph, substitute:

- (i) an approved work sponsor, or a former approved work sponsor, of the visa holder or former visa holder has failed to satisfy a sponsorship obligation under Subdivision 2.19.1 (which deals with sponsorship obligations of approved work sponsors etc.); or

**120 Subparagraph 2.103(1)(e)(ii)**

After “exist”, insert “in relation to an approved work sponsor, or former approved work sponsor, of the visa holder or former visa holder”.

**121 Paragraph 2.103(1)(f)**

After “approved” (wherever occurring), insert “work”.

**122 Before subregulation 2.103(2)**

Insert:

*Information about approved work sponsors or former approved work sponsors*

**123 Subregulation 2.103(2)**

Omit all the words from and including “For” to and including “subregulation (3),”, substitute “For the purposes of subsection 140ZH(1) of the Act, the kinds of information about an approved work sponsor, or former approved work sponsor, of a holder or former holder of a visa of a kind mentioned in subregulation (2A) that may be disclosed by the Minister in accordance with that subsection”.

**124 Paragraph 2.103(2)(k)**

Omit “relating to the regulation of 1 or more of the matters”, substitute “of a kind”.

**125 After subregulation 2.103(2)**

Insert:

*Prescribed visas*

- (2A) For the purposes of column 2 of items 1 and 2 of the table in subsection 140ZH(1) of the Act, the kinds of visa mentioned in regulation 2.56 (other than a Subclass 870 (Sponsored Parent (Temporary)) visa) are prescribed.

*Prescribed agencies*

**126 Subregulation 2.103(3)**

Omit all the words from and including “For” to and including “matters”, substitute “For the purposes of column 3 of items 1 and 2 of the table in subsection 140ZH(1) of the Act, a Commonwealth, State or Territory agency responsible for the regulation of one or more of the following matters is prescribed”.

**127 After regulation 2.103**

Insert:

**2.103A Disclosure of personal information by Minister—approved family sponsors etc.**

*Information about visa holders or former visa holders*

- (1) For the purposes of subsection 140ZH(1A) of the Act, the kinds of information about a holder, or former holder, of a Subclass 870 (Sponsored Parent (Temporary)) visa that may be disclosed by the Minister in accordance with that subsection are:

- 
- (a) information relating to a failure to comply with a visa condition; and
  - (b) information about the immigration status of the visa holder or former visa holder; and
  - (c) information about costs incurred by the Commonwealth in relation to the visa holder or former visa holder; and
  - (d) information about an allegation made by the visa holder or former visa holder (or presumed to be made by the visa holder or former visa holder) that:
    - (i) an approved family sponsor, or a former approved family sponsor, of the visa holder or former visa holder has failed to satisfy a sponsorship obligation under Subdivision 2.19.2 (which deals with sponsorship obligations of approved family sponsors etc.); or
    - (ii) a circumstance prescribed under section 140L of the Act may exist in relation to an approved family sponsor, or former approved family sponsor, of the visa holder or former visa holder; and
  - (e) information about a debt, relating to the visa holder or former visa holder, owed by an approved family sponsor or former approved family sponsor.

*Information about approved family sponsors or former approved family sponsors*

- (2) For the purposes of subsection 140ZH(1A) of the Act, the kinds of information about an approved family sponsor, or former approved family sponsor, of a holder or former holder of a Subclass 870 (Sponsored Parent (Temporary)) visa that may be disclosed by the Minister in accordance with that subsection are:
  - (a) information relating to a failure, or a possible failure, to satisfy a sponsorship obligation prescribed under subsection 140H(1) of the Act; and
  - (b) information that a circumstance prescribed under section 140L of the Act (which is about circumstances in which an approved sponsor may be barred or an approved sponsor's approval cancelled) may exist; and
  - (c) information about a warning given in relation to the possible existence of a circumstance prescribed under section 140L of the Act (which is about circumstances in which an approved sponsor may be barred or an approved sponsor's approval cancelled); and
  - (d) information about an action taken under section 140M of the Act (which is about cancelling approval as an approved sponsor or barring such a sponsor); and
  - (e) information about a pecuniary penalty imposed for a contravention of section 140Q of the Act (which is a civil penalty provision about failing to satisfy sponsorship obligations); and
  - (f) information about a warning given in relation to a possible contravention of section 140Q of the Act (which is a civil penalty provision about failing to satisfy sponsorship obligations); and
  - (g) information about an infringement notice issued under section 506A of the Act; and
  - (h) information provided to the Minister in accordance with regulation 2.87CC; and
  - (i) information provided to Immigration in accordance with regulation 2.87CD; and

- (j) information relevant to the performance of a function by a Commonwealth, State or Territory agency of a kind mentioned in subregulation (4).

*Prescribed visa*

- (3) For the purposes of column 2 of items 1, 2 and 5 of the table in subsection 140ZH(1A) of the Act, the Subclass 870 (Sponsored Parent (Temporary)) visa is prescribed.

*Prescribed agencies*

- (4) For the purposes of column 3 of items 1 to 5 of the table in subsection 140ZH(1A) of the Act, a Commonwealth, State or Territory agency responsible for the regulation of one or more of the following matters is prescribed:
- (a) health;
  - (b) law enforcement;
  - (c) public safety;
  - (d) taxation.

**128 Subregulation 2.104(1)**

Repeal the subregulation, substitute:

- (1) For the purposes of subsection 140ZH(2) of the Act, this regulation sets out the circumstances in which the Minister may disclose personal information under subsection 140ZH(1) or (1A) of the Act.

**129 Paragraph 2.104(3)(c)**

Repeal the paragraph, substitute:

- (c) if the approved sponsor or former approved sponsor is an approved work sponsor or former approved work sponsor—the disclosure of the information will notify that sponsor of the cancellation of a visa held by a person who is or was a primary sponsored person, or a secondary sponsored person, of that sponsor;
- (d) if the approved sponsor or former approved sponsor is an approved family sponsor or former approved family sponsor—the disclosure of the information will notify that sponsor of the cancellation of a visa held by a person who is or was sponsored by that sponsor.

**130 Subregulation 2.104(4)**

After “Territory”, insert “of a kind mentioned in subregulation 2.103(3) or 2.103A(4)”.

**131 Paragraph 2.104(4)(a)**

Omit “a regulatory function in relation to the matters mentioned at subregulation 2.103(3)”, substitute “its functions”.

**132 Subparagraph 2.104(4)(b)(ii)**

After “exists”, insert “in relation to an approved sponsor or a former approved sponsor”.

**133 Regulation 2.105**

Omit “For subsection 140ZH(3) of the Act, the circumstance in which a recipient of personal information may use or disclose information to which subsection 140ZH(1) of the Act applies”, substitute “For the purposes of subsection 140ZH(3) of the Act, the circumstance in which a recipient of personal information disclosed under subsection 140ZH(1) or (1A) of the Act may use or disclose that information”.

**134 At the end of subregulation 4.02(1A)**

Add:

; (m) a Subclass 870 (Sponsored Parent (Temporary)) visa.

**135 Paragraph 4.02(4)(a)**

Repeal the paragraph, substitute:

- (a) a decision under subsection 140E(1) or (1A) of the Act to refuse a person’s application for approval as a work sponsor or family sponsor in relation to a class of sponsor;

**136 Paragraph 4.02(4)(h)**

Repeal the paragraph, substitute:

- (h) a decision under section 140M of the Act to take one or more actions to cancel an approved sponsor’s approval or to bar an approved sponsor;

**137 Subparagraph 4.02(4)(l)(ii)**

After “proposed” (wherever occurring), insert “work”.

**138 Subparagraph 4.02(4)(o)(v)**

Omit “sponsor and the”, substitute “work sponsor and that”.

**139 Paragraph 4.02(4A)(a)**

After “approved”, insert “work”.

**140 Subclause 408.112(1) of Schedule 2**

After “approved”, insert “work”.

**141 Clause 408.312 of Schedule 2**

After “approved”, insert “work”.

**142 Paragraph 482.212(1)(b) of Schedule 2**

After “an approved”, insert “work”.

**143 Paragraph 482.315(b) of Schedule 2**

Before “sponsor” (wherever occurring), insert “work”.

## Schedule 2—Temporary sponsored parent visa

### *Migration Regulations 1994*

#### **1 At the end of subregulation 1.20(4)**

Add:

; (j) Subclass 870 (Sponsored Parent (Temporary)).

#### **2 After paragraph 1124(3)(ab) of Schedule 1**

Insert:

(ac) The applicant:

- (i) does not hold a Subclass 870 (Sponsored Parent (Temporary)) visa;  
and
- (ii) if the applicant held such a visa—has left Australia since that visa ceased to be in effect.

#### **3 After paragraph 1124A(3)(ba) of Schedule 1**

Insert:

(bb) The applicant:

- (i) does not hold a Subclass 870 (Sponsored Parent (Temporary)) visa;  
and
- (ii) if the applicant held such a visa—has left Australia since that visa ceased to be in effect.

#### **4 After paragraph 1130(3)(ba) of Schedule 1**

Insert:

(bb) The applicant:

- (i) does not hold a Subclass 870 (Sponsored Parent (Temporary)) visa;  
and
- (ii) if the applicant held such a visa—has left Australia since that visa ceased to be in effect.

#### **5 After paragraph 1130A(3)(c) of Schedule 1**

Insert:

(ca) The applicant:

- (i) does not hold a Subclass 870 (Sponsored Parent (Temporary)) visa;  
and
- (ii) if the applicant held such a visa—has left Australia since that visa ceased to be in effect.

#### **6 After paragraph 1221(3)(a) of Schedule 1**

Insert:

(aa) The applicant:

- (i) does not hold a Subclass 870 (Sponsored Parent (Temporary)) visa;  
and
- (ii) if the applicant held such a visa—has left Australia since that visa ceased to be in effect.

**7 After paragraph 1221A(3)(c) of Schedule 1**

Insert:

- (ca) The applicant:
- (i) does not hold a Subclass 870 (Sponsored Parent (Temporary)) visa; and
  - (ii) if the applicant held such a visa—has left Australia since that visa ceased to be in effect.

**8 After item 1238 of Schedule 1**

Insert:

**1239 Family (Temporary) (Class GH)**

- (1) Form: The approved form specified by the Minister in a legislative instrument made for the purposes of this item under subregulation 2.07(5).
- (2) Visa application charge:
- (a) first instalment (payable at the time the application is made)—the base application charge is \$1,000; and
  - (b) second instalment (payable before grant of the visa):

<b>Second instalment</b>		
<b>Item</b>	<b>Period of effect</b>	<b>Amount</b>
1	If the date to be specified by the Minister under paragraph 870.511(1)(b) of Schedule 2 in relation to the applicant's visa will not be more than 3 years after the day the visa is granted	\$4,000
2	In all other cases	\$9,000

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

- (3) Other:
- (a) An application must be made at the place, and in the manner, (if any) specified by the Minister in a legislative instrument made for the purposes of this item under subregulation 2.07(5).
  - (b) The applicant does not hold a Subclass 870 (Sponsored Parent (Temporary)) visa.
  - (c) The applicant is at least 18.
  - (d) The application specifies the person who is the parent sponsor of the applicant.
  - (e) Either:
    - (i) the applicant is outside Australia; or
    - (ii) the applicant has been permitted by the Minister to apply for a Subclass 870 (Sponsored Parent (Temporary)) visa while in Australia (but not in immigration clearance).

(f) The total period of effect of the Subclass 870 (Sponsored Parent (Temporary)) visas (if any) previously held by the applicant does not exceed 10 years.

(4) Subclasses:

870 (Sponsored Parent (Temporary))

## 9 After Part 866 of Schedule 2

Insert:

### Subclass 870—Sponsored Parent (Temporary)

#### 870.1—Interpretation

Note 1: For *parent sponsor*, see regulation 1.03 and for *has an outstanding public health debt*, see regulation 1.15K.

Note 2: There are no interpretation provisions specific to this Part.

#### 870.2—Primary criteria

Note 1: All applicants must satisfy the primary criteria.

Note 2: All criteria must be satisfied at the time a decision is made on the application.

##### 870.221

The applicant is sponsored by a parent sponsor.

##### 870.222

The applicant has access to sufficient funds to meet the costs and expenses of the applicant's intended stay in Australia.

##### 870.223

(1) If:

- (a) the applicant is outside Australia at the time of application; and
- (b) the applicant previously held a Subclass 870 visa; and
- (c) there are no exceptional circumstances;

the applicant has been outside Australia for at least 90 consecutive days since the relevant departure day of the applicant.

(2) The *relevant departure day* of an applicant is:

- (a) if the applicant was in Australia when the last Subclass 870 visa held by the applicant ceased to be in effect—the first day on which the applicant left Australia after that visa ceased to be in effect; or
- (b) if the applicant was not in Australia when the last Subclass 870 visa held by the applicant ceased to be in effect—the last day on which the applicant left Australia while that visa was in effect.



**870.224**

The applicant has adequate arrangements for health insurance during the period of the applicant's intended stay in Australia.

**870.225**

The applicant has complied substantially with the conditions to which the last of any substantive visas held by the applicant, and any subsequent bridging visa held by the applicant, were subject.

**870.226**

The applicant genuinely intends to stay in Australia temporarily.

**870.227**

Either:

- (a) the applicant does not have an outstanding public health debt; or
- (b) if the applicant has an outstanding public health debt—the debt has been paid in full or appropriate arrangements have been made for its payment.

**870.228**

- (1) The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4010, 4019, 4020 and 4021.
- (2) If the applicant was not in Australia at the time the visa application was made—the applicant satisfies public interest criterion 4005.
- (3) If the applicant was in Australia at the time the visa application was made—the applicant satisfies public interest criterion 4007.

**870.229**

The applicant satisfies special return criteria 5001, 5002 and 5010.

**870.3—Secondary criteria: Nil**

Note: All applicants must satisfy the primary criteria.

**870.4—Circumstances applicable to grant**

**870.411**

The applicant 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.

## 870.5—When visa is in effect

### 870.511

- (1) Temporary visa permitting the holder to travel to, enter and remain in Australia on one or more occasions during the period:
  - (a) starting on the day the visa is granted; and
  - (b) subject to subclauses (2) and (3), ending on the date specified by the Minister.
- (2) The Minister must not specify a date under paragraph (1)(b) that:
  - (a) is more than 5 years after the day the visa is granted; or
  - (b) would result in the total period of effect of the Subclass 870 visas held by the applicant exceeding 10 years.
- (3) If an item of column 1 of the following table applies in relation to the holder of the visa, then the period of effect of the visa ends at the time mentioned in column 2 of the item if that time is earlier than the date specified under paragraph (1)(b) for the visa.

End of period of effect		
Item	Column 1	Column 2
1	The approval of the parent sponsor of the holder is cancelled	35 days after the cancellation
2	Both: (a) the parent sponsor of the holder withdraws the parent sponsor's sponsorship of the holder; and (b) within 35 days after Immigration receives notification, in writing, of the withdrawal, no other person makes a relevant sponsorship application in relation to the holder	35 days after Immigration receives notification, in writing, of the withdrawal
3	All of the following: (a) the parent sponsor of the holder withdraws the parent sponsor's sponsorship of the holder; (b) within 35 days after Immigration receives notification, in writing, of the withdrawal, another person makes a relevant sponsorship application in relation to the holder; (c) the Minister decides to refuse the application	35 days after: (a) if the applicant applies for review of the Minister's decision—the application for review is finally determined and the Minister's decision is affirmed; or (b) otherwise—the Minister's decision is made
4	Both: (a) the parent sponsor of the holder dies; and (b) within 90 days after the death, no other person makes a relevant sponsorship application in relation to the holder	90 days after the death
5	All of the following: (a) the parent sponsor of the holder dies; (b) within 90 days after the death, another person makes a relevant sponsorship application in relation to the holder;	35 days after: (a) if the applicant applies for review of the Minister's decision—the application for review is finally determined

<b>End of period of effect</b>		
<b>Item</b>	<b>Column 1</b>	<b>Column 2</b>
	(c) the Minister decides to refuse the application	and the Minister's decision is affirmed; or (b) otherwise—the Minister's decision is made

- (4) For the purposes of this clause, a person makes a *relevant sponsorship application* in relation to the holder of a visa if the person:
- (a) makes an application in accordance with the process referred to in regulation 2.61A that specifies the holder as a person whom the person intends to sponsor; or
  - (b) makes an application in accordance with the process referred to in regulation 2.66 that relates to the holder.

## **870.6—Conditions**

### **870.611**

The visa is subject to conditions 8103, 8303, 8501, 8531, 8550 and 8564.

### **10 Clause 8103 of Schedule 8**

Repeal the clause, substitute:

- 8103 The holder must not undertake work in Australia without the permission in writing of the Minister, which may be:
- (a) in relation to specified work; or
  - (b) for a specified time.

## Schedule 3—Adequate arrangements for health insurance

### *Migration Regulations 1994*

#### 1 Regulation 1.03

Insert:

*adequate arrangements for health insurance* means arrangements to be covered by health insurance:

- (a) that meet the requirements for health insurance specified in an instrument under regulation 1.15L for the purposes of this paragraph; or
- (b) if no such requirements are specified—that are adequate in the circumstances.

#### 2 At the end of Division 1.2 of Part 1

Add:

##### 1.15L Adequate arrangements for health insurance

- (1) The Minister may, by legislative instrument, specify the following for the purposes of paragraph (a) of the definition of *adequate arrangements for health insurance* in regulation 1.03:
  - (a) requirements for health insurance for a specified class or classes of visa;
  - (b) requirements for health insurance for a specified class or classes of person.
- (2) Without limiting subregulation (1), the Minister may specify different requirements for different classes of visa or person.

Note: This subregulation does not limit subsection 33(3A) of the *Acts Interpretation Act 1901*.

#### 3 Clauses 403.211 and 403.313 of Schedule 2

Omit “in Australia” (first occurring).

#### 4 Subclause 405.227(5) of Schedule 2

Omit “health insurance cover in Australia”, substitute “arrangements for health insurance”.

#### 5 Paragraphs 405.228(5)(a) and (b) of Schedule 2

Omit “health insurance cover in Australia”, substitute “arrangements for health insurance”.

#### 6 Subclauses 405.329(2) and 405.330(2) and (2A) of Schedule 2

Omit “health insurance cover in Australia”, substitute “arrangements for health insurance”.

#### 7 Clauses 407.216, 407.314, 408.212 and 408.314 of Schedule 2

Omit “in Australia” (first occurring).

**8 Subclauses 485.215(1) and (2) and 485.312(1) and (2) of Schedule 2**

Omit “in Australia”.

**9 Clauses 500.215, 500.314, 590.217 and 590.313 of Schedule 2**

Omit “in Australia” (first occurring).

**10 In the appropriate position in Schedule 13**

Insert:

**Part 85—Amendments made by the Migration Amendment  
(Temporary Sponsored Parent Visa and Other  
Measures) Regulations 2019****8501 Definitions**

In this Part:

*amending regulations* means the *Migration Amendment (Temporary Sponsored Parent Visa and Other Measures) Regulations 2019*.*commencement day* means the day Schedule 3 to the amending regulations commences.**8502 Operation of Schedule 3**

- (1) Subject to subclauses (2) and (3), the amendments of these Regulations made by Schedule 3 to the amending regulations apply in relation to the following:
- (a) a visa application made on or after the commencement day;
  - (b) a visa granted on or after the commencement day if the application for the visa was made on or after the commencement day.
- (2) If:
- (a) an application for a Subclass 405 (Investor Retirement) visa is made before, on or after the commencement day; and
  - (b) the applicant is seeking to satisfy the primary criteria for the grant of the visa; and
  - (c) either:
    - (i) the applicant is the holder of a Subclass 405 (Investor Retirement) visa that was applied for before the commencement day; or
    - (ii) the last substantive visa held by the applicant since last entering Australia was a Subclass 405 (Investor Retirement) visa that was applied for before the commencement day;
- then, despite the amendment of paragraph 405.228(5)(a) of Schedule 2 to these Regulations made by item 5 of Schedule 3 to the amending regulations, that paragraph, as in force immediately before the commencement day, continues to apply in relation to the application.
- (3) If:

- (a) an application for a Subclass 405 (Investor Retirement) visa is made before, on or after the commencement day; and
- (b) the applicant is seeking to satisfy the secondary criteria for the grant of the visa; and
- (c) either:
  - (i) the applicant is the holder of a Subclass 405 (Investor Retirement) visa that was applied for before the commencement day; or
  - (ii) the last substantive visa held by the applicant since last entering Australia was a Subclass 405 (Investor Retirement) visa that was applied for before the commencement day;

then, despite the amendment of subclause 405.330(2) of Schedule 2 to these Regulations made by item 6 of Schedule 3 to the amending regulations, that subclause, as in force immediately before the commencement day, continues to apply in relation to the application.