



Migration Amendment (Postgraduate Research in Critical Technology—Student Visa Conditions) Regulations 2022

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 23 June 2022

David Hurley
Governor-General

By His Excellency's Command

Clare O'Neil
Minister for Home Affairs

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Schedules.....	1
Schedule 1—Amendments		2
Part 1—Main amendments		2
<i>Migration Regulations 1994</i>		2
Part 2—Other amendments		3
<i>Migration Regulations 1994</i>		3

1 Name

This instrument is the *Migration Amendment (Postgraduate Research in Critical Technology—Student Visa Conditions) Regulations 2022*.

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. The whole of this instrument	Immediately after the commencement of Part 1 of Schedule 1 to the <i>Migration Amendment (Protecting Australia's Critical Technology) Regulations 2022</i> .	1 July 2022

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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—Amendments

Part 1—Main amendments

Migration Regulations 1994

1 Paragraphs 500.611(1)(aa) and (ab) of Schedule 2

Repeal the paragraphs, substitute:

- (aa) in all cases, condition 8208;

2 Paragraph 500.612(1)(a) of Schedule 2

Omit “8204B”, substitute “8208”.

3 Clauses 8204A and 8204B of Schedule 8

Repeal the clauses.

4 After clause 8207 of Schedule 8

Insert:

- 8208 (1) The holder must not undertake critical technology related study unless:
- (a) the Minister is satisfied that there is not an unreasonable risk of an unwanted transfer of critical technology by the holder; and
 - (b) the Minister has approved in writing the holder undertaking that critical technology related study.
- (2) Subclause (1) does not apply in relation to the intended course of study, or activities related to study in Australia, evidenced in the holder’s visa application.
- (3) In this clause:

critical technology related study means:

- (a) a postgraduate research course within the meaning of clause 500.111 of Schedule 2 that relates to critical technology; or
- (b) a bridging course required as a prerequisite to a course mentioned in paragraph (a); or
- (c) a thesis or research topic that:
 - (i) is for a postgraduate research course within the meaning of clause 500.111 of Schedule 2; and
 - (ii) relates to critical technology.

Part 2—Other amendments

Migration Regulations 1994

5 Paragraphs 4.02(4)(u) and (v)

Repeal the paragraphs, substitute:

- (u) a decision not to approve for the purposes of condition 8208 a visa holder undertaking critical technology related study (within the meaning of that condition).

6 Paragraph 4.02(5)(t)

Omit “or (v)”.

7 Part 108 of Schedule 13

Repeal the Part, substitute:

Part 108—Amendments made by the Migration Amendment (Protecting Australia’s Critical Technology) Regulations 2022 and Migration Amendment (Postgraduate Research in Critical Technology— Student Visa Conditions) Regulations 2022

10801 Operation of amendments relating to Subclass 500 (Student) visas

The amendments made by Division 1 of Part 1 of Schedule 1 to the *Migration Amendment (Protecting Australia’s Critical Technology) Regulations 2022* and Part 1 of Schedule 1 to the *Migration Amendment (Postgraduate Research in Critical Technology—Student Visa Conditions) Regulations 2022* apply in relation to any application for a visa made on or after 1 July 2022.