

Migration Amendment (Subclass 189 Visas—New Zealand Stream) 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 8 December 2022

David Hurley

Governor‑General

By His Excellency’s Command

Andrew Giles

Minister for Immigration, Citizenship and Multicultural Affairs

Contents

1 Name 1

2 Commencement 1

3 Authority 1

4 Schedules 1

Schedule 1—Amendments 2

Part 1—Amendments 2

Migration Regulations 1994 2

Part 2—Application of amendments 3

Migration Regulations 1994 3

1 Name

This instrument is the *Migration Amendment (Subclass 189 Visas—New Zealand Stream) 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 | 10 December 2022. | 10 December 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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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—Amendments

Migration Regulations 1994

1 After paragraph 1137(4G)(a) of Schedule 1

Insert:

(aa) An application by a primary NZ applicant must be made:

(i) before 10 December 2022; or

(ii) on or after 1 July 2023.

2 Before clause 189.231 of Schedule 2

Insert:

189.231A

The applicant satisfies either or both of the following:

(a) clause 189.231B;

(b) clauses 189.231, 189.232, 189.233 and 189.234.

189.231B

The application is made before 10 December 2022.

3 Subclause 189.312(5) of Schedule 2

Omit “the New Zealand stream or”.

4 At the end of clause 189.312 of Schedule 2

Add:

(6) If the primary applicant holds a Subclass 189 visa in the New Zealand stream granted on the basis of an application made on or after 1 July 2023, the applicant satisfies public interest criterion 4007.

Part 2—Application of amendments

Migration Regulations 1994

5 In the appropriate position in Schedule 13

Insert:

Part 114—Amendments made by the Migration Amendment (Subclass 189 Visas—New Zealand Stream) Regulations 2022

11401 Operation of amendments

(1) The amendment made by item 2 of Part 1 of Schedule 1 to the *Migration Amendment (Subclass 189 Visas—New Zealand Stream) Regulations 2022* applies in relation to an application for a Subclass 189 (Skilled—Independent) visa made before 10 December 2022 if a decision has not been made to grant, or refuse to grant, the visa before that day.

(2) The amendment made by item 3 of Part 1 of Schedule 1 to the *Migration Amendment (Subclass 189 Visas—New Zealand Stream) Regulations 2022* applies in relation to an application for a Subclass 189 (Skilled—Independent) visa, whether made (or taken to be made) before, on or after 10 December 2022, if:

(a) the application is made by a person seeking to satisfy the secondary criteria for the grant of the visa as a member of the family unit of a person who applied for their visa (the ***primary visa***) before 10 December 2022; and

(b) a decision has not been made to grant, or refuse to grant, the primary visa before that day.