



Migration Amendment (Giving Documents) Regulations 2023

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

16 October 2023

David Hurley
Governor-General

By His Excellency's Command

Andrew Giles
Minister for Immigration, Citizenship and Multicultural Affairs

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1 Name

This instrument is the *Migration Amendment (Giving Documents) Regulations 2023*.

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 | At the same time as Schedule 1 to the <i>Migration Amendment (Giving Documents and Other Measures) Act 2023</i> commences. | 1 November 2023 |

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Migration Regulations 1994

1 Regulation 2.42

Repeal the regulation.

2 Subregulation 2.44(3) (note 1)

Omit “the revocation of”, substitute “a decision to revoke or not to revoke”.

3 Regulations 2.45, 2.47 and 2.49

Repeal the regulations.

4 Before regulation 2.54

Insert:

2.53A Purpose of Division 2.10

This Division is made for the purposes of the following provisions of the Act:

- (a) subsection 107(1C);
- (b) subsection 109(4);
- (c) subsection 119(2);
- (d) subsection 120(3);
- (e) subsection 127(2A);
- (f) subsection 129(2);
- (g) subsection 132(2);
- (h) subsection 133E(2);
- (i) paragraph 133F(3)(a);
- (j) paragraph 134E(3)(b);
- (k) subsection 134(7A);
- (l) subsection 135(6);
- (m) subsection 137R(4);
- (n) subsection 137S(1A);
- (o) subsection 500A(10A);
- (p) subsection 501C(3A);
- (q) subsection 501CA(3A);
- (r) subsection 501G(3);
- (s) paragraph 504(1)(e).

5 Regulation 2.54

Insert:

designated document means:

- (a) a document required by subsection 133E(1) of the Act to be given in relation to a decision to cancel a visa under subsection 133A(1) or 133C(1) of the Act; or
- (b) a document required by subsection 501G(1) of the Act to be given in relation to a decision to:

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- (i) cancel a visa under section 501, 501A, 501B, 501BA or 501F of the Act; or
 - (ii) not revoke a decision to cancel a visa under section 501CA of the Act.

6 Subregulation 2.55(1)

Repeal the subregulation, substitute:

When this regulation applies

- (1) This regulation applies in relation to the following documents:
 - (a) a document relating to the proposed cancellation of a visa under the Act;
 - (b) a document relating to the cancellation of a visa under the Act;
 - (c) a document relating to the revocation of the cancellation of a visa under the Act;
 - (d) a document relating to a decision not to revoke the cancellation of a visa under the Act.

7 Before subregulation 2.55(3)

Insert:

How to give documents other than designated documents

8 Subregulation 2.55(3)

Omit “document mentioned in paragraph (1)(a) or (c)”, substitute “document other than a designated document”.

9 Subregulation 2.55(3) (note)

Repeal the note.

10 Subregulation 2.55(3A)

Omit “mentioned in paragraph (1)(a) or (c)”, substitute “(other than a designated document)”.

11 Before subregulation 2.55(4)

Insert:

How to give designated documents

12 Subregulation 2.55(4)

Omit “document mentioned in paragraph (1)(ab) or (b)”, substitute “designated document”.

13 Subregulation 2.55(4) (note)

Repeal the note.

14 Paragraph 2.55(4A)(a)

Omit “document mentioned in paragraph (1)(ab) or (b)”, substitute “designated document”.

15 Before subregulation 2.55(4B)

Insert:

Document given to carer is taken to be given to minor

16 Before subregulation 2.55(5)

Insert:

When document is taken to be received

17 In the appropriate position in Schedule 13

Insert:

**Part 119—Amendments made by the Migration Amendment
(Giving Documents) Regulations 2023**

11901 Operation of amendments

The amendments made by Schedule 1 to the *Migration Amendment (Giving Documents) Regulations 2023* apply in relation to the giving of a document on or after the commencement of that Schedule.