



Migration Amendment (Bridging Visa Conditions) 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 7 December 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 (Bridging Visa Conditions) 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	The day after this instrument is registered.	8 December 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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Part 1—Amendments

Migration Regulations 1994

1 Regulation 1.03

Insert:

community safety order has the same meaning as in Division 395 of the *Criminal Code*.

2 Subregulation 2.03(1)

Omit “regulations 2.03A and 2.03AA”, substitute “other provisions of these Regulations”.

3 Subregulation 2.05(1)

After “subregulation (2)”, insert “and regulation 2.25AE”.

4 Regulation 2.20A (note)

Repeal the note, substitute:

Note 1: 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.

Note 2: The Minister must not give a person an invitation, for the purposes of paragraph (a) of this subregulation, while a community safety order made in relation to the person is in force (see paragraph 76AA(7)(a) of the Act).

5 Paragraph 2.25AA(1)(b)

Omit “non-citizen; and”, substitute “non-citizen.”.

6 Paragraph 2.25AA(1)(c)

Repeal the paragraph.

7 Subregulation 2.25AA(2)

Repeal the subregulation, substitute:

- (2) Despite anything in Schedule 1 and Divisions 070.2 to 070.4 of Part 070 of Schedule 2, the Minister may grant the eligible non-citizen a Bridging R (Class WR) visa if the Minister is satisfied that, at the time of decision, the eligible non-citizen’s removal from Australia is not reasonably practicable.

Note 1: See Divisions 070.5 and 070.6 of Part 070 of Schedule 2 for when the visa is in effect and the conditions to which it is subject.

Note 2: The Minister must not grant the eligible non-citizen a visa under this subregulation while a community safety order made in relation to the non-citizen is in force (see paragraph 76AA(7)(b) of the Act).

8 Subregulation 2.25AB(2)

Repeal the subregulation, substitute:

- (2) Despite anything in Schedule 1 and Divisions 070.2 to 070.4 of Part 070 of Schedule 2, the Minister may grant the non-citizen a Bridging R (Class WR) visa

if the Minister is satisfied that, at the time of decision, the non-citizen continues to hold a Bridging R (Class WR) visa.

Note 1: See Divisions 070.5 and 070.6 of Part 070 of Schedule 2 for when the visa is in effect and the conditions to which it is subject.

Note 2: The Minister must not grant the non-citizen a visa under this subregulation while a community safety order made in relation to the non-citizen is in force (see paragraph 76AA(7)(b) of the Act).

9 Before paragraph 2.25AC(a)

Insert:

- (aa) condition 8612;
- (ab) condition 8616;

10 Paragraph 2.25AC(c)

Repeal the paragraph.

11 Subregulation 2.25AD(1)

Repeal the subregulation, substitute:

- (1) For the purposes of paragraph 76E(1)(a) of the Act, the following conditions are prescribed:
 - (a) condition 8617;
 - (b) condition 8618;
 - (c) condition 8620;
 - (d) condition 8621.

12 At the end of Division 2.5 of Part 2

Add:

2.25AE Period for which certain conditions are imposed on Subclass 070 (Bridging (Removal Pending)) visa

- (1) If one or more of the following conditions are imposed on a Subclass 070 (Bridging (Removal Pending)) visa granted to a non-citizen, the visa is subject to those conditions for a period of 12 months from the day the visa is granted:
 - (a) condition 8617;
 - (b) condition 8618;
 - (c) condition 8620;
 - (d) condition 8621.
- (2) Subregulation (1) does not prevent another Subclass 070 (Bridging (Removal Pending)) visa being granted to the non-citizen, before or after the 12-month period referred to in subregulation (1) ends, with any one or more of those conditions imposed on the visa.
- (3) To avoid doubt, if another Subclass 070 (Bridging (Removal Pending)) visa is granted to the non-citizen with any one or more of those conditions imposed on the visa, then the visa is subject to those conditions for a period of 12 months from the day the visa is granted.

13 Paragraph 070.511(a) of Schedule 2

After “paragraph 76A(3)(a)”, insert “or 76AA(2)(b) or (3)(c)”.

14 Clause 070.611 of Schedule 2

Repeal the clause, substitute:

070.611

- (1) If the visa is not a visa that is taken to be granted under paragraph 76AA(2)(b) or (3)(c) of the Act:
 - (a) conditions 8303, 8513, 8514, 8541, 8542 and 8543 must be imposed; and
 - (b) condition 8401 must be imposed if condition 8621 is not imposed under subclause 070.612A(1).
- (2) If the visa is taken to be granted under paragraph 76AA(2)(b) or (3)(c) of the Act, conditions 8401, 8513, 8514, 8541, 8542, 8543, 8551, 8552, 8553, 8554, 8555, 8556, 8560, 8561, 8562, 8563, 8614 and 8625 must be imposed.

15 Subclause 070.612(1) of Schedule 2

Repeal the subclause, substitute:

- (1) If the visa was granted under regulation 2.25AA or 2.25AB, conditions 8551, 8552, 8553, 8554, 8555, 8556, 8560, 8561, 8562, 8563, 8614, 8616 and 8625 must be imposed, in addition to any other condition imposed by or under another provision of this Division.

16 Subclause 070.612(2) of Schedule 2

Omit “condition mentioned in clause 070.611”, substitute “other condition imposed by or under another provision of this Division”.

17 Subclauses 070.612A(1) to (2A) of Schedule 2

Repeal the subclauses, substitute:

- (1) If subclause (3) applies to the visa, each of the following conditions must be imposed by the Minister unless the Minister is satisfied that it is not reasonably necessary to impose that condition for the protection of any part of the Australian community (including because of any other conditions imposed by or under another provision of this Division):
 - (a) 8621;
 - (b) 8617;
 - (c) 8618;
 - (d) 8620.

Note: See regulation 2.25AE for the period for which the visa is subject to these conditions (if imposed).

- (2) The Minister must decide whether or not to impose each of the conditions listed in subclause (1) in the order in which those conditions are listed in that subclause.
- (2A) Conditions imposed by or under this clause are in addition to any other condition imposed by or under another provision of this Division.

18 Clause 070.612B of Schedule 2

Repeal the clause, substitute:

070.612B

- (1) If subclause (4) applies to the visa and the holder has been convicted of an offence involving a minor or any other vulnerable person, conditions 8612, 8615, 8622, 8623 and 8626 must be imposed.
- (2) If subclause (4) applies to the visa and the holder has been convicted of an offence involving violence or sexual assault, condition 8624 must be imposed.
- (3) Conditions imposed by or under this clause are in addition to any other condition imposed by or under another provision of this Division.
- (4) This subclause applies to a visa if:
 - (a) the visa was granted under regulation 2.25AA and, at the time of grant, there was no real prospect of the removal of the holder from Australia becoming practicable in the reasonably foreseeable future; or
 - (b) the visa was granted under regulation 2.25AB.

19 Clause 070.613 of Schedule 2

After “imposed by”, insert “or under”.

20 Clause 070.614 of Schedule 2

Repeal the clause, substitute:

070.614

If the visa is not a visa taken to be granted under paragraph 76AA(2)(b) or (3)(c) of the Act, condition 8506 may be imposed in addition to any other condition imposed by or under another provision of this Division.

21 Clause 8612 of Schedule 8

Omit “The”, substitute “If the holder has been convicted of an offence involving a minor or any other vulnerable person, the”.

22 Clause 8613 of Schedule 8

Repeal the clause.

23 Subclause 8614(1) of Schedule 8

Omit “(1)”.

24 Subclause 8614(2) of Schedule 8

Repeal the subclause.

25 Clause 8615 of Schedule 8

Repeal the clause, substitute:

- 8615 (1) If the holder has been convicted of an offence involving a minor or any other vulnerable person, the holder must:

- (a) within 5 working days of the grant, notify Immigration of the details of the holder's association with, or membership of, any organisation that engages in activities involving more than incidental contact with minors or any other vulnerable persons; and
- (b) notify Immigration of any change in those details (including the beginning or end of any association or membership) within 2 working days after the change occurs.

(2) Subclause (1) does not apply in relation to the following:

- (a) an organisation formed for a purpose of engaging in communications on governmental or political matters;
- (b) an organisation whose regular functions or activities involve communications on governmental or political matters.

26 Subclause 8616(1) of Schedule 8

Repeal the subclause, substitute:

- (1) The holder must notify Immigration of the details of any contact with any individual who is known by the holder to have been charged with, or convicted of, a criminal offence.

27 At the end of subclause 8616(2) of Schedule 8

Add:

; or (c) incidental contact.

28 Paragraph 8617(b) of Schedule 8

Omit "persons;", substitute "persons."

29 Paragraph 8617(c) of Schedule 8

Repeal the paragraph.

30 Subclause 8618(2) of Schedule 8

Repeal the subclause, substitute:

- (2) If the holder is declared bankrupt, the holder must notify Immigration within 5 working days after the holder is so declared.

31 Subclause 8618(3) of Schedule 8

Omit ", bankruptcy or financial hardship", substitute "or bankruptcy".

32 Clause 8619 of Schedule 8

Repeal the clause.

33 Subclause 8620(3) of Schedule 8 (paragraph (a) of the definition of notified address)

Repeal the paragraph, substitute:

- (a) either:
 - (i) the address notified by the holder under condition 8513; or
 - (ii) if the holder has notified another address under condition 8625—the last address so notified by the holder;

34 At the end of Schedule 8

Add:

- 8625 The holder must notify the Minister of any change in the following:
- (a) the holder's name;
 - (b) an address of the holder;
 - (c) a phone number of the holder;
 - (d) an email address of the holder;
- within 2 working days after the change occurs.
- 8626 If the holder has been convicted of an offence involving a minor or any other vulnerable person, the holder must notify the Minister of any change in the following:
- (a) an online profile used by the holder;
 - (b) a user name of the holder;
- within 2 working days after the change occurs.

Part 2—Application provisions

Migration Regulations 1994

35 In the appropriate position in Schedule 13

Insert:

Part 127—Amendments made by the Migration Amendment (Bridging Visa Conditions) Regulations 2023

12701 Operation of amendments

- (1) Regulations 2.25AA and 2.25AB, as amended by Part 1 of Schedule 1 to the *Migration Amendment (Bridging Visa Conditions) Regulations 2023*, apply in relation to the grant of a visa on or after the commencement of that Part.
- (2) Regulation 2.25AE, as inserted by that Part, applies in relation to a visa granted before, on or after the commencement of that Part.
- (3) Schedules 2 and 8, as amended by that Part, apply in relation to a visa granted on or after the commencement of that Part.