



Migration Amendment (Subclass 192 (Pacific Engagement) Visa) Regulations 2024

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 14 March 2024

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 (Subclass 192 (Pacific Engagement) Visa) Regulations 2024*.

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 the <i>Migration Amendment (Australia's Engagement in the Pacific and Other Measures) Act 2023</i> .	29 March 2024

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 At the end of Part 1 of Schedule 1

Add:

1140 Pacific Engagement (Class PA)

- (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):

First instalment		
Item	Component	Amount
1	Base application charge	\$325
2	Additional applicant charge for an applicant who is at least 18	\$80
3	Additional applicant charge for an applicant who is less than 18	\$80

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.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

- (b) the second instalment (payable before grant of visa) is nil.

- (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 this item under subregulation 2.07(5).
 - (b) An applicant may be in or outside Australia but not in immigration clearance.
 - (c) An applicant in Australia must hold:
 - (i) a substantive visa; or
 - (ii) a Subclass 010 Bridging A visa; or
 - (iii) a Subclass 020 Bridging B visa; or
 - (iv) a Subclass 030 Bridging C visa.
 - (d) An application by a person claiming to be a member of the family unit of a person who is an applicant for a Subclass 192 (Pacific Engagement) visa must be made at the same time as, and combined with, the application by that person.
- (4) An applicant seeking to satisfy the primary criteria for the grant of a Subclass 192 (Pacific Engagement) visa must meet the requirements in the following table.

Requirements for applicants seeking to satisfy primary criteria

Item	Requirements
1	The applicant must be a selected participant in the applicable visa pre-application process
2	At the beginning of the registration open period for that process, the applicant must be aged at least 18 and no more than 45
3	At the time of registration of the applicant as a registered participant in that process, the applicant held a valid passport issued by the country to which that process relates
4	All of the following: <ul style="list-style-type: none"> (a) the applicant, or a parent of the applicant, was born in a country specified in Schedule 1 to the visa pre-application process determination for that process; (b) the applicant must be a citizen of the country to which that process relates; (c) the applicant must not be a citizen of New Zealand
5	The application must be made on or before the date specified in the notice of selection given to the applicant as the date by which the applicant must make a valid visa application for a Subclass 192 (Pacific Engagement) visa

(5) Subclasses:

Subclass 192 (Pacific Engagement)

(6) In this item:

applicable visa pre-application process, in relation to a person, means a visa pre-application process in relation to a Subclass 192 (Pacific Engagement) visa in which the person was most recently a registered participant.

notice of selection, in relation to a particular visa pre-application process, means the notice of selection given to a selected participant in that process in accordance with the visa pre-application process determination for that process.

registered participant, for a particular visa pre-application process, means a person registered as a participant in that process in accordance with the visa pre-application process determination for that process.

registration open period, for a particular visa pre-application process, means the period during which the process is open for registration in accordance with the visa pre-application process determination for that process.

selected participant, for a particular visa pre-application process, means a person selected as a participant in that process in accordance with the visa pre-application process determination for that process.

Note: The person must be a registered participant in that process: see subsection 46C(2) of the Act.

visa pre-application process means a visa pre-application process conducted under subsection 46C(1) of the Act.

visa pre-application process determination, in relation to a particular pre-visa application process, means the determination:

- (a) made for the purposes of subsection 46C(14) of the Act that applies in relation to that process; and
- (b) as in force at the beginning of the registration open period for that process.

2 After Part 191 of Schedule 2

Insert:

Subclass 192—Pacific Engagement

192.1—Interpretation

192.111

In this Part:

adverse employer information: see clause 192.112.

Note: For **member of the family unit:** see regulation 1.03.

192.112

- (1) In this Part, **adverse employer information** about a person or organisation (the **employer**) is any adverse information relevant to the suitability of the employer to employ a person:
 - (a) who is an applicant for a Subclass 192 (Pacific Engagement) visa; or
 - (b) who is a spouse or de facto partner of, and has made a combined application with, a person who is an applicant for a Subclass 192 (Pacific Engagement) visa.
- (2) Without limiting subclause (1), adverse employer information about an employer includes information that the employer:
 - (a) has contravened a law of the Commonwealth, a State or a Territory; or
 - (b) is under investigation, subject to disciplinary action or subject to legal proceedings in relation to a contravention of such a law; or
 - (c) has been the subject of administrative action (including being issued with a warning) for a possible contravention of such a law by a Department or regulatory authority that administers or enforces the law; or
 - (d) has become insolvent (within the meaning of section 95A of the *Corporations Act 2001*); or
 - (e) has given, or caused to be given, to the Minister, an officer, the Tribunal or an assessing authority a bogus document, or information that is false or misleading in a material particular.
- (3) Nothing in this clause affects the operation of Part VIIC of the *Crimes Act 1914* (which includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent convictions and require persons aware of such convictions to disregard them).
- (4) In this clause:

information that is false or misleading in a material particular means information that is:

 - (a) false or misleading at the time it is given; and
 - (b) relevant to any of the matters the Minister may consider when making a decision under the Act or these Regulations, whether or not the decision is made because of that information.

Note: For the definition of **bogus document**, see subsection 5(1) of the Act.

- (5) The definition of *adverse information* in regulation 1.03 does not apply for the purposes of this clause.

192.2—Primary criteria

Note: The primary criteria for the grant of a Subclass 192 visa must be satisfied by at least one member of a family unit. The other members of the family unit who are applicants for a visa of this subclass need satisfy only the secondary criteria.

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

192.21—Criteria

192.211

- (1) Either:
- (a) the applicant; or
 - (b) if the applicant's spouse or de facto partner has made a combined application for a visa with the applicant—the applicant's spouse or de facto partner;
- has a written offer of ongoing employment by a person or an associated entity of the person (the *employer*) for a position that is genuine and is in Australia.
- (2) The employment conditions for the position that will apply to the applicant or the applicant's spouse or de facto partner are not less favourable than those that apply, or would apply, to an Australian citizen performing equivalent work at the same location.
- (3) Either:
- (a) there is no adverse employer information known to Immigration about the employer, or a person associated with the employer; or
 - (b) it is reasonable to disregard any adverse employer information known to Immigration about the employer, or a person associated with the employer.

Note: For the definition of *adverse employer information*, see clause 192.112.

192.212

The applicant has adequate means, or access to adequate means, to support:

- (a) the applicant; and
- (b) each member of the family unit of the applicant who has made a combined application with the applicant;

during the period of the first 12 months in Australia as the holder of the visa.

192.213

The applicant has complied substantially with the conditions (the *previous visa conditions*) that apply or applied to the last of any substantive visas held by the applicant, and to any subsequent bridging visa, unless:

- (a) if condition 8303 was a previous visa condition—the applicant has complied substantially with that condition; and
- (b) the Minister is satisfied that the applicant was unable to comply substantially with the previous visa conditions (other than condition 8303) because of compassionate and compelling circumstances.

192.214

If required by the Minister:

- (a) the applicant; or
- (b) if the applicant's spouse or de facto partner has made a combined application for a visa with the applicant—the applicant's spouse or de facto partner;

satisfies any English language test requirements specified by the Minister in a legislative instrument made for the purposes of this clause.

192.215

- (1) The applicant satisfies public interest criteria 4001, 4002, 4003, 4003B, 4004, 4007, 4010, 4019, 4020 and 4021.
- (2) Each member of the family unit of the applicant who is an applicant for a Subclass 192 visa satisfies public interest criteria 4001, 4002, 4003, 4003B, 4004, 4007, 4010, 4020 and 4021.
- (3) Each member of the family unit of the applicant who:
 - (a) is an applicant for a Subclass 192 visa; and
 - (b) had turned 18 at the time of application;satisfies public interest criterion 4019.
- (4) Each member of the family unit of the applicant who:
 - (a) is an applicant for a Subclass 192 visa; and
 - (b) had not turned 18 at the time of application;satisfies public interest criteria 4015 and 4016.
- (5) Each member of the family unit of the applicant who is not an applicant for a Subclass 192 visa:
 - (a) satisfies public interest criteria 4001, 4002, 4003, 4003B and 4004; and
 - (b) satisfies public interest criterion 4007, unless it would be unreasonable to require the person to undergo assessment in relation to that criterion.

192.216

- (1) The applicant satisfies special return criteria 5001, 5002 and 5010.
- (2) Each member of the family unit of the applicant who is an applicant for a Subclass 192 visa satisfies special return criteria 5001, 5002 and 5010.

192.3—Secondary criteria

Note: These criteria are for applicants who are members of the family unit of a person who satisfies the primary criteria. All criteria must be satisfied at the time a decision is made on the application.

192.31—Criteria

192.311

The applicant:

-
- (a) is a member of the family unit of a person who holds a Subclass 192 visa granted on the basis of satisfying the primary criteria for the grant of the visa; and
 - (b) made a combined application with that person.

192.312

The applicant has complied substantially with the conditions (the *previous visa conditions*) that apply or applied to the last of any substantive visas held by the applicant, and to any subsequent bridging visa, unless:

- (a) if condition 8303 was a previous visa condition—the applicant has complied substantially with that condition; and
- (b) the Minister is satisfied that the applicant was unable to comply substantially with the previous visa conditions (other than condition 8303) because of compassionate and compelling circumstances.

192.313

- (1) The applicant satisfies public interest criteria 4001, 4002, 4003, 4003B, 4004, 4007, 4010, 4020 and 4021.
- (2) If the applicant had turned 18 at the time of application, the applicant satisfies public interest criterion 4019.
- (3) If the applicant had not turned 18 at the time of the application, the applicant satisfies public interest criteria 4017 and 4018.

192.314

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

192.4—Circumstances applicable to grant**192.411**

The applicant may be in or outside Australia when the visa is granted, but not in immigration clearance.

192.5—When visa is in effect**192.511**

Permanent visa permitting the holder to travel to and enter Australia for 5 years from the date of grant.

192.6—Conditions**192.611**

If the applicant is outside Australia when the visa is granted, first entry must be made before the date specified by the Minister.