



# **Migration Amendment (Dependent Secondary Partner Visa Applicants) Regulations 2024**

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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 28 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 (Dependent Secondary Partner Visa Applicants) 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	The day after this instrument is registered.	3 April 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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 Subclause 100.224(1) of Schedule 2**

After “unit of”, insert “, and each person who is dependent on,”.

#### **2 Paragraph 100.321(a) of Schedule 2**

After “unit of”, insert “, or dependent on,”.

#### **3 Subparagraph 100.321(d)(ii) of Schedule 2**

Omit “child, or a member of the family unit, as the case requires, of”, substitute “child of, a member of the family unit of, or dependent on,”.

#### **4 Subclause 309.228(1) of Schedule 2**

After “unit of”, insert “, and each person who is dependent on,”.

#### **5 Clause 309.321 of Schedule 2**

Omit “The applicant:”, substitute:

- (1) The applicant meets the requirements of subclause (2) or (3).
- (2) The applicant:

#### **6 At the end of clause 309.321 of Schedule 2**

Add:

- (3) If:
    - (a) the applicant made a combined application with a person (the *primary person*):
      - (i) who, having satisfied the primary criteria in Subdivision 309.21, is the holder of a Subclass 309 (Partner (Provisional)) visa; or
      - (ii) who has subsequently been granted a Subclass 100 (Partner) visa; and
    - (b) both of the following apply in relation to the sponsor of the primary person:
      - (i) the sponsor has at any time been an unauthorised maritime arrival;
      - (ii) the sponsor was an Australian permanent resident at the time the combined application was made;
- the applicant is dependent on the primary person.

#### **7 In the appropriate position in Schedule 13**

Insert:

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**Part 129—Amendments made by the Migration Amendment  
(Dependent Secondary Partner Visa Applicants)  
Regulations 2024**

**12901 Operation of amendments**

The amendments made by Schedule 1 to the *Migration Amendment (Dependent Secondary Partner Visa Applicants) Regulations 2024* apply in relation to an application for a visa made, but not finally determined, before 9 February 2023.