

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Note: This table relates only to the provisions of this instrument as originally made.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 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

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.