



Migration Amendment (Graduate Visas) 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 20 June 2024

David Hurley
Governor-General

By His Excellency's Command

Clare O'Neil
Minister for Home Affairs

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1 Name

This instrument is the *Migration Amendment (Graduate Visas) 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	1 July 2024.	1 July 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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Part 1—Change of names of certain visa streams and streamlining of visa grant pathways

Migration Regulations 1994

1 Subparagraph 1229(3)(f)(ii) of Schedule 1

Repeal the subparagraph.

2 Paragraph 1229(3)(k) of Schedule 1

Omit “Graduate Work stream”, substitute “Post-Vocational Education Work stream”.

3 Paragraph 1229(3)(la) of Schedule 1

Omit “Post-Study Work stream” (first occurring), substitute “Post-Higher Education Work stream”.

4 Subparagraph 1229(3)(la)(i) of Schedule 1

After “Post-Study Work stream”, insert “or the Post-Higher Education Work stream”.

5 Subparagraph 1229(4)(a)(v) of Schedule 1

After “Post-Study Work stream” (first occurring), insert “or the Post-Higher Education Work stream”.

6 Subparagraphs 1229(4)(a)(v) and (vi) of Schedule 1

Omit “subsequent Subclass 485 (Temporary Graduate) visa in the Post-Study Work stream”, substitute “subsequent Subclass 485 (Temporary Graduate) visa in the Post-Higher Education Work stream”.

7 Subparagraph 1229(4)(aa)(ii) of Schedule 1

Repeal the subparagraph, substitute:

- (ii) must not include more than one Subclass 485 (Temporary Graduate) visa in the Post-Study Work stream, or the Post-Higher Education Work stream, granted on the basis of meeting the requirements in clause 485.232, 485.233, 485.234 or 485.235 of Schedule 2;

8 Division 485.2 of Schedule 2 (note to Division heading)

Omit “Graduate Work stream”, substitute “Post-Vocational Education Work stream”.

9 Division 485.2 of Schedule 2 (note to Division heading)

Omit “Post-Study Work stream”, substitute “Post-Higher Education Work stream”.

10 Paragraphs 485.211(b) to (d) of Schedule 2

Repeal the paragraphs, substitute:

- (b) has not previously held a Subclass 485 (Temporary Graduate) visa in the Graduate Work stream or the Post-Vocational Education Work stream on the basis of satisfying the primary criteria for the grant of that visa; and
- (c) has not previously held a Subclass 485 (Temporary Graduate) visa in the Post-Study Work stream or the Post-Higher Education Work stream on the

basis of satisfying the primary criteria for the grant of that visa, unless the applicant:

- (i) has nominated the Post-Higher Education Work stream in the application; and
 - (ii) meets the requirements of clause 485.232, 485.233, 485.234 or 485.235; and
- (d) has not previously held the following:
- (i) 3 Subclass 485 (Temporary Graduate) visas in the Post-Study Work stream;
 - (ii) 2 Subclass 485 (Temporary Graduate) visas in the Post-Higher Education Work stream.

11 Subdivision 485.22 of Schedule 2 (heading)

Omit “Graduate Work stream”, substitute “Post-Vocational Education Work stream”.

12 Subdivision 485.22 of Schedule 2 (note to Subdivision heading)

Omit “Graduate Work stream”, substitute “Post-Vocational Education Work stream”.

13 Subdivision 485.23 of Schedule 2 (heading)

Omit “Post-Study Work stream”, substitute “Post-Higher Education Work stream”.

14 Subdivision 485.23 of Schedule 2 (note to Subdivision heading)

Omit “Post-Study Work stream”, substitute “Post-Higher Education Work stream”.

15 Paragraph 485.232(1)(a) of Schedule 2

After “Post-Study Work stream”, insert “or the Post-Higher Education Work stream”.

16 Subparagraph 485.232(1)(c)(ii) of Schedule 2

Omit “area; and”, substitute “area.”.

17 Paragraph 485.232(1)(d) of Schedule 2

Repeal the paragraph.

18 Paragraph 485.233(1)(a) of Schedule 2

After “Post-Study Work stream”, insert “or the Post-Higher Education Work stream”.

19 Paragraph 485.233(1)(c) of Schedule 2

Omit “clauses 485.232 and 485.237 do”, substitute “clause 485.232 does”.

20 Subparagraph 485.234(1)(c)(ii) of Schedule 2

Omit “area; and”, substitute “area.”.

21 Paragraph 485.234(1)(d) of Schedule 2

Repeal the paragraph.

22 Paragraph 485.235(1)(c) of Schedule 2

Omit “clauses 485.234 and 485.237 do”, substitute “clause 485.234 does”.

23 Clauses 485.236 and 485.237 of Schedule 2

Repeal the clauses.

24 Subclause 485.613(1) of Schedule 2

Omit “Post-Study Work stream on the basis of meeting the requirements in clause 485.232, 485.233, 485.234, 485.235, 485.236 or 485.237”, substitute “Post-Higher Education Work stream on the basis of meeting the requirements in clause 485.232, 485.233, 485.234 or 485.235”.

25 Subclause 8610(1) of Schedule 8

Omit “Post-Study Work stream that was granted on the basis that the holder met the requirements of clause 485.232, 485.234 or 485.236”, substitute “Post-Higher Education Work stream that was granted on the basis that the holder met the requirements of clause 485.232 or 485.234 of Schedule 2”.

26 Subclause 8610(3) of Schedule 8

Omit “Post-Study Work stream that was granted on the basis that the holder met the requirements of clause 485.233, 485.235 or 485.237”, substitute “Post-Higher Education Work stream that was granted on the basis that the holder met the requirements of clause 485.233 or 485.235 of Schedule 2”.

Part 2—Restrictions on access to visa streams based on qualifications

Migration Regulations 1994

27 Clause 485.111 of Schedule 2

Insert:

associate degree means an associate degree, under the Australian Qualifications Framework, that is awarded by a body authorised to award associate degrees.

completed, in relation to an associate degree, diploma or trade qualification, means having met the academic requirements for its award.

Note: The academic requirements for the award of an associate degree, diploma or trade qualification do not include the formal conferral of the associate degree, diploma or trade qualification. Therefore, a person can complete an associate degree, diploma or trade qualification, for the purposes of this definition, before the award is formally conferred.

28 Clauses 485.221 and 485.222 of Schedule 2

Repeal the clauses, substitute:

485.221

The applicant, in the period of 6 months immediately before the day the application was made, completed one or more associate degrees, diplomas or trade qualifications for award by an Australian educational institution as a result of a course or courses:

- (a) that are registered courses; and
- (b) that were completed in a total of at least 16 calendar months; and
- (c) that were completed as a result of a total of at least 2 academic years study; and
- (d) for which all instruction was conducted in English; and
- (e) that the applicant undertook while in Australia as the holder of a visa authorising the applicant to study.

485.222

Each associate degree, diploma or trade qualification used to satisfy clause 485.221 is closely related to the applicant's nominated skilled occupation.

29 Subclause 485.231(1) of Schedule 2

Omit "qualification or qualifications", substitute "degree or degrees".

30 Subclause 485.231(2) of Schedule 2

Omit "qualification", substitute "degree".

31 Subclause 485.231(3) of Schedule 2

Repeal the subclause, substitute:

Schedule 1 Amendments

Part 2 Restrictions on access to visa streams based on qualifications

- (3) The applicant's study for the degree or degrees satisfied the Australian study requirement in the period of 6 months immediately before the day the application was made.

Part 3—Repeal of pathway to apply for Subclass 485 visa free of charge

Migration Regulations 1994

32 Subparagraph 1229(2)(a)(ia) of Schedule 1

Repeal the subparagraph.

33 Sub-subparagraph 1229(2)(a)(i)(A) of Schedule 1

Repeal the sub-subparagraph, substitute:

- (A) who holds a Subclass 485 (Temporary Graduate) visa in the Post-Study Work stream, the Post-Higher Education Work stream or the Replacement stream, and is applying for a subsequent Subclass 485 (Temporary Graduate) visa in the Post-Higher Education Work stream; or

34 Subitems 1229(2A) and (2B) of Schedule 1

Repeal the subitems.

35 Paragraph 485.212(2)(a) of Schedule 2

Repeal the paragraph.

36 Subclause 485.212(2) of Schedule 2 (note)

Repeal the note.

37 Subclause 485.213(2) of Schedule 2

Repeal the subclause (including the note), substitute:

- (2) Subclause (1) does not apply to an applicant who meets the requirements of clause 485.232, 485.233, 485.234 or 485.235.

38 Subclause 485.231(1A) of Schedule 2

Repeal the subclause (including the note), substitute:

- (1A) This clause does not apply to an applicant who meets the requirements of clause 485.232, 485.233, 485.234 or 485.235.

Part 4—Other amendments

Migration Regulations 1994

39 Before paragraph 1228(3)(a) of Schedule 1

Insert:

- (aa) An application must be made before 1 July 2024.

40 Paragraph 1229(3)(ka) of Schedule 1

Repeal the paragraph.

41 Paragraph 1229(3)(l) of Schedule 1

Repeal the paragraph, substitute:

- (l) An applicant seeking to satisfy the primary criteria for the grant of a Subclass 485 (Temporary Graduate) visa in the Post-Higher Education Work stream must hold, or have held, a Student Temporary (Class TU) visa.

42 Paragraph 1229(4)(b) of Schedule 1

Repeal the paragraph, substitute:

- (b) the applicant seeking to satisfy the primary criteria for the grant of a Subclass 485 (Temporary Graduate) visa must be:
 - (i) if the applicant holds a Hong Kong passport or a British National (Overseas) passport, or has completed a masters degree (research) or a doctoral degree—less than 50 years old; or
 - (ii) otherwise—35 years old or younger.

43 Subitem 1229(11) of Schedule 1

Insert:

completed, in relation to a masters degree (research) or a doctoral degree, means having met the academic requirements for its award.

Note: The academic requirements for the award of a masters degree (research) or a doctoral degree do not include the formal conferral of the degree. Therefore, a person can complete such a degree, for the purposes of this definition, before the award is formally conferred.

44 Paragraph 1229(5)(a) of Schedule 1

Omit “January 2027”, substitute “July 2024”.

45 Subclause 485.223(1) of Schedule 2

Omit “(1)”.

46 Subclauses 485.223(2) and 485.224(3) of Schedule 2

Repeal the subclauses.

Part 5—Application and transitional provisions

Migration Regulations 1994

47 In the appropriate position in Schedule 13

Insert:

Part 134—Amendments made by the Migration Amendment (Graduate Visas) Regulations 2024

13401 Operation of amendments

- (1) The amendments of Schedule 2 to these Regulations made by Schedule 1 to the *Migration Amendment (Graduate Visas) Regulations 2024* (the **amending Schedule**) apply in relation to an application for a visa made on or after the commencement of the amending Schedule.
- (2) The amendments of Schedule 8 to these Regulations made by the amending Schedule apply in relation to a visa granted on or after that commencement if the application for the visa was made on or after that commencement.