



Migration Amendment (Australia Tuvalu Falepili Union Treaty Visa) Regulations 2025

I, the Honourable Sam Mostyn AC, Governor-General of the Commonwealth of Australia,
acting with the advice of the Federal Executive Council, make the following regulations.

Dated 20 February 2025

Sam Mostyn AC
Governor-General

By Her Excellency's Command

Tony Burke
Minister for Immigration and Multicultural Affairs

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1 Name

This instrument is the *Migration Amendment (Australia Tuvalu Falepili Union Treaty Visa) Regulations 2025*.

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 May 2025.	1 May 2025

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 Paragraph 1140(2)(a) of Schedule 1

Repeal the paragraph, substitute:

- (a) first instalment (payable at the time the application is made):
- (i) for:
- (A) an applicant seeking to satisfy the primary criteria for the grant of a Subclass 192 (Pacific Engagement) visa in the Pacific Engagement stream; or
 - (B) an applicant seeking to satisfy the secondary criteria for the grant of a Subclass 192 (Pacific Engagement) visa whose application is combined, or sought to be combined, with an application made by that person:

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

- (ii) for:
- (A) an applicant seeking to satisfy the primary criteria for the grant of a Subclass 192 (Pacific Engagement) visa in the Treaty stream; or
 - (B) an applicant seeking to satisfy the secondary criteria for the grant of a Subclass 192 (Pacific Engagement) visa whose application is combined, or sought to be combined, with an application made by that person:

First instalment		
Item	Component	Amount
1	Base application charge	\$200
2	Additional applicant charge for an applicant who is at least 18	\$50
3	Additional applicant charge for an applicant who is less than 18	\$50

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.

2 After paragraph 1140(3)(c) of Schedule 1

Insert:

(ca) An applicant seeking to satisfy the primary criteria for the grant of a Subclass 192 (Pacific Engagement) visa must nominate only one stream to which the application relates.

3 Subitem 1140(4) of Schedule 1

After “visa” (first occurring), insert “in the Pacific Engagement stream”.

4 Subitem 1140(4) of Schedule 1 (table heading)

Omit “Requirements for applicants seeking to satisfy primary criteria”, substitute “Requirements”.

5 Subitem 1140(4) of Schedule 1 (table item 1)

Repeal the item, substitute:

- 1 The applicant is a selected participant for a visa pre-application process (the *relevant process*) conducted in relation to:
 - (a) the Subclass 192 (Pacific Engagement) visa in the Pacific Engagement stream; and
 - (b) a country that issued the applicant with a valid passport

6 Subitem 1140(4) of Schedule 1 (table items 2, 3 and 4)

Omit “that process” (wherever occurring), substitute “the relevant process”.

7 Subitem 1140(4) of Schedule 1 (table item 5)

After “Subclass 192 (Pacific Engagement) visa”, insert “in the Pacific Engagement stream”.

8 After subitem 1140(4) of Schedule 1

Insert:

- (4A) An applicant seeking to satisfy the primary criteria for the grant of a Subclass 192 (Pacific Engagement) visa in the Treaty stream must meet the requirements in the following table.

Requirements	
Item	Requirements
1	The applicant is a selected participant for a visa pre-application process (the <i>relevant process</i>) conducted in relation to: <ul style="list-style-type: none"> (a) the Subclass 192 (Pacific Engagement) visa in the Treaty stream; and (b) a country that issued the applicant with a valid passport
2	At the beginning of the registration open period for the relevant process, the applicant must be aged at least 18
3	At the time of registration of the applicant as a registered participant in the relevant process, the applicant held a valid passport issued by the country to which the relevant process relates
4	All of the following: <ul style="list-style-type: none"> (a) the applicant, a parent of the applicant or a grandparent of the applicant was born in the country to which the relevant process relates; (b) the applicant is a citizen of that country and that citizenship was not obtained due to an investment to that country; (c) the applicant is not a citizen of New Zealand

Requirements

Item Requirements

- | | |
|---|--|
| 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 in the Treaty stream |
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9 Subitem 1140(6) of Schedule 1 (definition of *applicable visa pre-application process*)

Repeal the definition.

10 Clause 192.111 of Schedule 2

Insert:

relevant medical practitioner means any of the following:

- (a) a Medical Officer of the Commonwealth;
- (b) a medical practitioner approved by the Minister for the purposes of this paragraph;
- (c) a medical practitioner employed by an organisation approved by the Minister for the purposes of this paragraph.

Note: For *Medical Officer of the Commonwealth*, see regulation 1.03.

11 Division 192.2 of Schedule 2

Repeal the Division, substitute:

Division 192.2—Primary criteria

Note: The primary criteria for the grant of a Subclass 192 visa include criteria set out in streams.

If an applicant applies for a Subclass 192 visa in the Pacific Engagement stream, the criteria in Subdivisions 192.21 and 192.22 are the primary criteria for the grant of the visa.

If an applicant applies for a Subclass 192 visa in the Treaty stream, the criteria in Subdivisions 192.21 and 192.23 are the primary criteria for the grant of the visa.

The primary criteria 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—Common criteria

Note: These criteria are for all applicants seeking to satisfy the primary criteria for a Subclass 192 visa.

192.211

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

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- (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.

192.212

- (1) The applicant (the *primary applicant*) satisfies public interest criteria 4001, 4002, 4003, 4003B, 4004, 4010, 4019, 4020 and 4021.
- (2) Each person who is covered by subclause (3), (4) or (5) satisfies public interest criteria 4001, 4002, 4003, 4003B, 4004, 4010, 4020 and 4021.
- (3) This subclause covers a person who is a member of the family unit of the primary applicant who is also an applicant for a Subclass 192 visa.
- (4) This subclause covers a person (the *relevant person*) if:
- (a) the relevant person was, at the time of the primary applicant's application, a member of the family unit of the primary applicant; and
 - (b) the relevant person is an applicant for a Subclass 192 visa; and
 - (c) the Minister is satisfied that one or more of the following has experienced family violence committed by the primary applicant:
 - (i) the relevant person;
 - (ii) a member of the family unit of the relevant person who has made a combined application with the relevant person or with the primary applicant;
 - (iii) a dependent child of the relevant person or of the primary applicant.

Note: For special provisions relating to family violence, see Division 1.5.

- (5) This subclause covers a person if:
- (a) the person was, at the time of the primary applicant's application, a member of the family unit of the primary applicant but is no longer a member of the family unit of the primary applicant; and
 - (b) the person is an applicant for a Subclass 192 visa; and
 - (c) the person is a member of the family unit of a person covered by subclause (4).
- (6) Each person:
- (a) who either:
 - (i) is a member of the family unit of the primary applicant and also an applicant for a Subclass 192 visa; or
 - (ii) is covered by subclause (4) or (5); and
 - (b) who had turned 18 at the time of the primary applicant's application; satisfies public interest criterion 4019.
- (7) If a person:
- (a) either:
 - (i) is a member of the family unit of the primary applicant and also an applicant for a Subclass 192 visa; or
 - (ii) is covered by subclause (4) or (5); and
 - (b) has not turned 18;
- public interest criteria 4015 and 4016 are satisfied in relation to the person.

192.213

Each person who is covered by subclause 192.212(3), (4) or (5) has complied substantially with the conditions (the *previous visa conditions*) that apply or applied to the last of any substantive visas held by the person, and to any subsequent bridging visa, unless:

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

192.214

- (1) Each person:
 - (a) who is a member of the family unit of the applicant; and
 - (b) who is not an applicant for a Subclass 192 visa;satisfies public interest criteria 4001, 4002, 4003, 4003B and 4004.
- (2) Each person:
 - (a) who was, at the time of application, a member of the family unit of the applicant but is no longer a member of the family unit of the applicant; and
 - (b) who is a member of the family unit of a person covered by subclause 192.212(4) or (5); and
 - (c) who is not an applicant for a Subclass 192 visa;satisfies public interest criteria 4001, 4002, 4003, 4003B and 4004.

192.215

- (1) The applicant satisfies special return criteria 5001, 5002 and 5010.
- (2) Each person covered by subclause 192.212(3), (4) or (5) satisfies special return criteria 5001, 5002 and 5010.

192.22—Criteria for Pacific Engagement stream

Note: These criteria are only for applicants seeking to satisfy the primary criteria for a Subclass 192 visa in the Pacific Engagement stream.

192.221

- (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 (the *employer*) or an associated entity of 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.

192.222

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.

192.223

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.

192.224

- (1) The applicant satisfies public interest criterion 4007.
- (2) Each person covered by subclause 192.212(3), (4) or (5) satisfies public interest criterion 4007.
- (3) Each member of the family unit of the applicant who is not an applicant for a Subclass 192 visa satisfies public interest criterion 4007, unless it would be unreasonable to require the member to undergo assessment in relation to the criterion.
- (4) Each person:
 - (a) who was, at the time of application, a member of the family unit of the applicant but is no longer a member of the family unit of the applicant; and
 - (b) who is a member of the family unit of a person covered by subclause 192.212(4) or (5); and
 - (c) who is not an applicant for a Subclass 192 visa;
 satisfies public interest criterion 4007, unless it would be unreasonable to require the person to undergo assessment in relation to the criterion.

192.23—Criteria for Treaty stream

Note: These criteria are only for applicants seeking to satisfy the primary criteria for a Subclass 192 visa in the Treaty stream.

192.231

The applicant has undergone a medical examination carried out by a relevant medical practitioner, unless a Medical Officer of the Commonwealth decides otherwise.

192.232

The applicant has undergone a chest x-ray examination conducted by a relevant medical practitioner, unless:

- (a) a Medical Officer of the Commonwealth decides otherwise; or
- (b) the applicant is under 11 years of age and is not a person in respect of whom a relevant medical practitioner has requested such an examination; or
- (c) all of the following apply in relation to the applicant:
 - (i) the applicant is in Australia;
 - (ii) the applicant is confirmed by a relevant medical practitioner to be pregnant;
 - (iii) the applicant has signed an undertaking to place themselves under the professional supervision of a health authority in a State or Territory and to undergo any necessary treatment;
 - (iv) the Minister is satisfied that the applicant should not be required to undergo a chest x-ray examination at this time.

192.233

A relevant medical practitioner:

- (a) has considered:
 - (i) the results of any tests carried out for the purposes of the medical examination required under clause 192.231 in respect of the applicant; and
 - (ii) the radiological report from any x-ray required under clause 192.232 in respect of the applicant; and
- (b) if:
 - (i) the practitioner is not a Medical Officer of the Commonwealth; and
 - (ii) the practitioner considers that the applicant has a disease or condition that is, or may result in the applicant being, a threat to public health in Australia or a danger to the Australian community;has referred any relevant results and reports in respect of the applicant to a Medical Officer of the Commonwealth.

192.234

If:

- (a) a Medical Officer of the Commonwealth considers that the applicant has a disease or condition that is, or may result in the applicant being, a threat to public health in Australia or a danger to the Australian community; and
- (b) the disease or condition is not tuberculosis;

arrangements have been made, on the advice of the Medical Officer of the Commonwealth, to place the applicant under the professional supervision of a health authority in a State or Territory to undergo any necessary treatment.

192.235

- (1) If the applicant is outside Australia at the time of application, the applicant is free from tuberculosis.
- (2) If:
 - (a) the applicant is in Australia at the time of application; and
 - (b) a Medical Officer of the Commonwealth considers that the applicant is not free from tuberculosis;

arrangements have been made, on the advice of the Medical officer of the Commonwealth, to place the applicant under the professional supervision of a health authority in a State or Territory to undergo any necessary treatment.

192.236

Each person covered by subclause 192.212(3), (4) or (5) satisfies the criteria in clauses 192.231 to 192.235.

12 Subclause 192.313(1) of Schedule 2

Omit “4007,”.

13 At the end of clause 192.313 of Schedule 2

Add:

- (4) If the applicant:
 - (a) meets the requirements of subclause 192.311(2), (3) or (4) in relation to:
 - (i) a primary applicant who holds a Subclass 192 visa in the Pacific Engagement stream granted on the basis of satisfying the primary criteria for the grant of the visa; or
 - (ii) a primary applicant who, at the time of application, was seeking to satisfy the primary criteria for the grant of a Subclass 192 visa in the Pacific Engagement stream; or
 - (b) meets the requirements of subclause 192.311(5) in relation to a secondary applicant who meets the requirements of subclause 192.311(3) or (4) in relation to:
 - (i) a primary applicant who holds a Subclass 192 visa in the Pacific Engagement stream granted on the basis of satisfying the primary criteria for the grant of the visa; or
 - (ii) a primary applicant who, at the time of application, was seeking to satisfy the primary criteria for the grant of a Subclass 192 visa in the Pacific Engagement stream;

the applicant satisfies public interest criterion 4007.
- (5) If the applicant:
 - (a) meets the requirement of subclause 192.311(2), (3) or (4) in relation to:

- (i) a primary applicant who holds a Subclass 192 visa in the Treaty stream granted on the basis of satisfying the primary criteria for the grant of the visa; or
 - (ii) a primary applicant who, at the time of application, was seeking to satisfy the primary criteria for the grant of a Subclass 192 visa in the Treaty stream; or
- (b) meets the requirement of subclause 192.311(5) in relation to a secondary applicant who meets the requirements of subclause 192.311(3) or (4) in relation to:
- (i) a primary applicant who holds a Subclass 192 visa in the Treaty stream granted on the basis of satisfying the primary criteria for the grant of the visa; or
 - (ii) a primary applicant who, at the time of application, was seeking to satisfy the primary criteria for the grant of a Subclass 192 visa in the Treaty stream;
- the applicant satisfies the criteria in clauses 192.231 to 192.235.

14 Paragraph 192.315(2)(a) of Schedule 2

Omit “4007,”.

15 Subclause 192.315(5) of Schedule 2

Repeal the subclause, substitute:

- (5) Each member of the family unit of the secondary applicant who is not an applicant for a Subclass 192 visa satisfies public interest criteria 4001, 4002, 4003, 4003B and 4004.
- (6) If the secondary applicant meets the requirements of subclause 192.311(3) or (4) in relation to:
- (a) a primary applicant who holds a Subclass 192 visa in the Pacific Engagement stream granted on the basis of satisfying the primary criteria for the grant of the visa; or
 - (b) a primary applicant who, at the time of application, was seeking to satisfy the primary criteria for the grant of a Subclass 192 visa in the Pacific Engagement stream;
- each member of the family unit of the secondary applicant who is an applicant for a Subclass 192 visa satisfies public interest criterion 4007.
- (7) If the secondary applicant meets the requirements of subclause 192.311(3) or (4) in relation to:
- (a) a primary applicant who holds a Subclass 192 visa in the Pacific Engagement stream granted on the basis of satisfying the primary criteria for the grant of the visa; or
 - (b) a primary applicant who, at the time of application, was seeking to satisfy the primary criteria for the grant of a Subclass 192 visa in the Pacific Engagement stream;
- each member of the family unit of the secondary applicant who is not an applicant for a Subclass 192 visa satisfies public interest criterion 4007, unless it would be unreasonable to require the member to undergo assessment in relation to the criterion.

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- (8) If the secondary applicant meets the requirements of subclause 192.311(3) or (4) in relation to:
- (a) a primary applicant who holds a Subclass 192 visa in the Treaty stream granted on the basis of satisfying the primary criteria for the grant of the visa; or
 - (b) a primary applicant who, at the time of application, was seeking to satisfy the primary criteria for the grant of a Subclass 192 visa in the Treaty stream;
- each member of the family unit of the secondary applicant who is an applicant for a Subclass 192 visa satisfies the criteria in clauses 192.231 to 192.235.

16 Clause 192.511 of Schedule 2

Repeal the clause, substitute:

192.511

- (1) In the case of a visa granted to a person on the basis of the person satisfying:
- (a) the criteria in Subdivisions 192.21 and 192.23; or
 - (b) the criteria in Division 192.3, if the visa was granted because the person met the requirements of clause 192.311 in relation to:
 - (i) a primary applicant who holds, or was seeking to satisfy the primary criteria for the grant of, a Subclass 192 visa in the Treaty stream; or
 - (ii) a secondary applicant who meets the requirements of subclause 192.311(3) or (4) in relation to a primary applicant who holds, or was seeking to satisfy the primary criteria for the grant of, a Subclass 192 visa in the Treaty stream;
- permanent visa permitting the holder to travel to and enter Australia indefinitely from the date of grant.
- (2) In any other case—permanent visa permitted the holder to travel to and enter Australia for 5 years from the date of grant.

17 In the appropriate position in Schedule 13

Insert:

Part 151—Amendments made by the Migration Amendment (Australia Tuvalu Falepili Union Treaty Visa) Regulations 2025

15101 Operation of amendments

- (1) The amendments of these Regulations made by Schedule 1 to the *Migration Amendment (Australia Tuvalu Falepili Union Treaty Visa) Regulations 2025* apply in relation to an application for a visa made on or after 1 May 2025.
- (2) However, the amendments made by Schedule 1 do not apply in relation to an application for a visa made on or after that date if the application relates to a selected participant for a visa pre-application process conducted before 1 May 2025 in relation to a Subclass 192 (Pacific Engagement) visa.