



# **Migration Legislation Amendment (2017 Measures No. 3) Regulations 2017**

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I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 27 June 2017

Peter Cosgrove  
Governor-General

By His Excellency's Command

Peter Dutton  
Minister for Immigration and Border Protection

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## 1 Name

This instrument is the *Migration Legislation Amendment (2017 Measures No. 3) Regulations 2017*.

## 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.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. The whole of this instrument	1 July 2017.	1 July 2017

Note: This table relates only to the provisions of this instrument as originally made.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:

- (a) the *Australian Citizenship Act 2007*; and
- (b) the *Customs Act 1901*; and
- (c) the *Migration Act 1958*; and
- (d) the *Migration Agents Registration Application Charge Act 1997*.

## 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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—Retirement visas

### *Migration Regulations 1994*

#### 1 Clause 405.211 of Schedule 2

Repeal the clause, substitute:

#### 405.211

If the applicant is in Australia, the applicant:

- (a) must hold a substantive visa; or
- (b) must:
  - (i) have held a substantive visa since last entering Australia; and
  - (ii) satisfy Schedule 3 criteria 3002, 3004 and 3005, unless the last substantive visa held by the applicant was a Subclass 405 visa and the Minister is satisfied that the applicant is unable to satisfy those criteria because of compassionate and compelling circumstances.

#### 2 Clause 405.223 of Schedule 2

Repeal the clause, substitute:

#### 405.223

If the applicant is in Australia, 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) either:
  - (i) the applicant holds a Subclass 405 visa; or
  - (ii) the last substantive visa held by the applicant was a Subclass 405 visa; and
- (c) 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.

#### 3 Paragraphs 405.228(2)(b) and (3)(b) of Schedule 2

Omit all the words after “sponsors the applicant”, substitute:  
is located;

unless the applicant is in Australia and the Minister is satisfied that the applicant is unable to satisfy paragraph (a) or (b), or both, because of compassionate and compelling circumstances.

#### 4 Subclause 405.228(4) of Schedule 2

After “the resources”, insert “(if any)”.

#### 5 Subparagraph 405.228(5)(a)(ii) of Schedule 2

Omit all the words after “as the holder of”, substitute:

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a Subclass 405 visa;  
unless the applicant is in Australia and the Minister is satisfied that the applicant is unable to satisfy this paragraph because of compassionate and compelling circumstances; and

## **6 Paragraph 405.228(5)(b) of Schedule 2**

Omit “continue to”.

## **7 Clause 405.325 of Schedule 2**

Repeal the clause, substitute:

### **405.325**

If the applicant is in Australia, 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) either:
  - (i) the applicant holds a Subclass 405 visa; or
  - (ii) the last substantive visa held by the applicant was a Subclass 405 visa; and
- (c) 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.

## **8 Subclause 405.330(2) of Schedule 2**

Repeal the subclause, substitute:

- (2) The Minister is satisfied that the applicant has had adequate health insurance cover in Australia for the period of the applicant’s stay in Australia as the holder of a Subclass 405 visa, unless:
  - (a) the applicant is in Australia; and
  - (b) the Minister is satisfied that the applicant is unable to satisfy this subclause because of compassionate and compelling circumstances.
- (2A) The Minister is satisfied that the applicant has adequate health insurance cover in Australia for the period of the applicant’s intended stay in Australia as the holder of a Subclass 405 visa.

## **9 Clauses 405.411 and 405.412 of Schedule 2**

Repeal the clauses, substitute:

### **405.411**

The applicant may be in or outside Australia at the time of grant, but not in immigration clearance.

## **10 Clause 410.211 of Schedule 2**

Repeal the clause, substitute:

**410.211**

If the applicant is in Australia:

- (a) the applicant holds a Subclass 410 visa; or
- (b) the applicant is not the holder of a substantive visa, and:
  - (i) the last substantive visa held by the applicant was a Subclass 410 visa; and
  - (ii) the applicant satisfies Schedule 3 criteria 3003, 3004 and 3005, unless the Minister is satisfied that the applicant is unable to satisfy those criteria because of compassionate and compelling circumstances.

**11 Subclause 410.221(1) of Schedule 2**

Repeal the subclause, substitute:

- (1) The applicant satisfies subclauses (2) to (8).

**12 Subclause 410.221(6) of Schedule 2**

Repeal the subclause, substitute:

- (6) If the applicant is in Australia, 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) either:
    - (i) the applicant holds a Subclass 410 visa; or
    - (ii) the last substantive visa held by the applicant was a Subclass 410 visa; and
  - (c) 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.

**13 Subclause 410.321(1) of Schedule 2**

Repeal the subclause, substitute:

- (1) The applicant satisfies subclauses (2) to (7).

**14 Subclause 410.321(5) of Schedule 2**

Repeal the subclause, substitute:

- (5) If the applicant is in Australia, 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) either:
    - (i) the applicant holds a Subclass 410 visa; or
    - (ii) the last substantive visa held by the applicant was a Subclass 410 visa; and

(c) 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.

## **15 Clauses 410.411 and 410.412 of Schedule 2**

Repeal the clauses, substitute:

### **410.411**

The applicant may be in or outside Australia at the time of grant, but not in immigration clearance.

## **16 Clause 410.511 of Schedule 2**

Repeal the clause, substitute:

### **410.511**

Temporary visa permitting the holder to travel to, enter and remain in Australia until a date specified by the Minister.

## **Schedule 2—Grounds for cancellation of visa in Frequent Traveller stream**

### ***Migration Regulations 1994***

#### **1 Subregulation 2.43(1)**

After “prescribed are”, insert “the following”.

#### **2 Paragraph 2.43(1)(ia)**

Omit “are met; or”, substitute “are met;”.

#### **3 Subparagraph 2.43(1)(j)(i)**

After “stream”, insert “or the Frequent Traveller stream”.

#### **4 After paragraph 2.43(1)(j)**

Insert:

- (ja) in the case of the holder of a Subclass 600 (Visitor) visa in the Frequent Traveller stream—that, despite the grant of the visa, the Minister is satisfied that the visa holder did not have, at the time of the grant of the visa, or has ceased to have, an intention only to visit, or remain in, Australia as a tourist or to engage in a business visitor activity;

## **Schedule 3—Subclass 602 (Medical Treatment) visas**

### *Migration Regulations 1994*

#### **1 At the end of subitem 1214A(3) of Schedule 1**

Add:

- (e) An application made in Australia by a person who is not the holder of a substantive visa must be accompanied by the documentation (if any) specified under subitem (3A).

#### **2 After subclause 1214A(3) of Schedule 1**

Insert:

- (3A) For the purposes of paragraph (3)(e), the Minister may, by legislative instrument, specify documentation that must accompany an application.
- (3B) Without limiting subitem (3A), the Minister may specify under that subitem an approved form, including an approved form completed and signed by a registered medical practitioner.

#### **3 Subclause 602.213(3) of Schedule 2**

Omit “Subclauses (4) and (5) apply”, substitute “Subclause (4) applies”.

#### **4 Subclause 602.213(5) of Schedule 2**

Repeal the subclause.

## **Schedule 4—Surcharge for payments made by China UnionPay credit cards**

### ***Australian Citizenship Regulation 2016***

#### **1 Subparagraph 16(1)(b)(iii)**

Omit “and”.

#### **2 At the end of paragraph 16(1)(b)**

Add:

- (iv) for payment by China UnionPay credit card—1.9% of the Schedule 3 amount paid by credit card; and

### ***Customs Regulation 2015***

#### **3 At the end of subsection 150B(2)**

Add:

- ; (d) for a payment made by China UnionPay credit card—1.9% of the amount of the payment.

### ***Migration Regulations 1994***

#### **4 At the end of subregulation 5.41A(2)**

Add:

- ; (d) for a payment made by China UnionPay credit card—1.9% of the amount of the payment.

## **Schedule 5—Eligible New Zealand citizens and Subclass 444 and 461 visas**

### ***Migration Regulations 1994***

#### **1 Regulation 1.03 (definition of *eligible New Zealand citizen*)**

Repeal the definition, substitute:

*eligible New Zealand citizen* means a New Zealand citizen who is a protected SCV holder within the meaning of section 7 of the *Social Security Act 1991*.

#### **2 Subregulation 2.16(2B)**

Repeal the subregulation.

#### **3 Subregulation 2.16(2D)**

Omit “none of subregulations (2) to (2B)”, substitute “neither subregulation (2) nor subregulation (2A)”.

#### **4 Paragraphs 461.212(2)(a) and (b) of Schedule 2**

After “person”, insert “, other than an eligible New Zealand citizen.”.

## **Schedule 6—Nominated and sponsored skilled visas**

### **Part 1—Employer nominations**

#### *Migration Regulations 1994*

##### **1 At the end of paragraph 5.19(3)(a)**

Add:

- (iv) identifies a need for the nominator to employ the person, as a paid employee, to work in the position under the nominator's direct control; and

##### **2 At the end of subregulation 5.19(3)**

Add:

- ; and (i) there is a genuine need for the nominator to employ the person, as a paid employee, to work in the position under the nominator's direct control.

##### **3 Subparagraph 5.19(4)(a)(ii)**

Omit “a paid employee”, substitute “an identified person, as a paid employee.”.

##### **4 Subparagraph 5.19(4)(h)(i)**

Omit “both”, substitute “all”.

##### **5 Before sub subparagraph 5.19(4)(h)(i)(A)**

Insert:

- (AA) there is a genuine need for the nominator to employ the person identified under subparagraph (a)(ii), as a paid employee, to work in the position under the nominator's direct control;

##### **6 Sub subparagraph 5.19(4)(h)(ii)(B)**

Omit “a paid employee”, substitute “the person identified under subparagraph (a)(ii), as a paid employee.”.

##### **7 After paragraph 186.233(1)(a) of Schedule 2**

Insert:

- (aa) in relation to which the applicant is identified in the application under subparagraph 5.19(4)(a)(ii); and

##### **8 After paragraph 187.233(1)(a) of Schedule 2**

Insert:

- (aa) in relation to which the applicant is identified in the application under subparagraph 5.19(4)(a)(ii); and

## **Part 2—Nominated and sponsored skilled visas**

### ***Migration Regulations 1994***

#### **9 Subitem 1138(4) of Schedule 1 (table item 3)**

Omit “50”, substitute “45”.

#### **10 Subitem 1230(4) of Schedule 1 (table item 3)**

Omit “50”, substitute “45”.

#### **11 Clause 186.111 of Schedule 2 (note 3)**

Repeal the note.

#### **12 Paragraph 186.222(a) of Schedule 2**

Omit “vocational”, substitute “competent”.

#### **13 Paragraph 186.231(a) of Schedule 2**

Omit “50”, substitute “45”.

#### **14 Clause 187.111 of Schedule 2 (note 3)**

Repeal the note.

#### **15 Paragraph 187.222(a) of Schedule 2**

Omit “vocational”, substitute “competent”.

#### **16 Paragraph 187.231(a) of Schedule 2**

Omit “50”, substitute “45”.

#### **17 Paragraph 187.234(c) of Schedule 2**

Repeal the paragraph, substitute:

(c) both:

- (i) the applicant’s occupation was not specified by the Minister in an instrument in writing for subparagraph (b)(i), or the applicant obtained the necessary qualification in Australia; and
- (ii) the applicant had the qualifications listed in ANZSCO as being necessary to perform the tasks of the occupation.

## **Part 3—Refunds**

### ***Migration Regulations 1994***

#### **18 After subregulation 2.12F(3A)**

Insert:

(3B) The Minister may refund the amount paid by way of the first instalment of the visa application charge in relation to a visa application if:

- (a) the visa application is for:
  - (i) a Subclass 186 (Employer Nomination Scheme) visa; or
  - (ii) a Subclass 187 (Regional Sponsored Migration Scheme) visa; and
- (b) the visa application relates to a position nominated in an application (the ***nomination application***) for approval under regulation 5.19; and
- (c) the applicant for the visa withdraws the visa application in writing for any of the following reasons:
  - (i) the nomination application, by mistake, identified the wrong occupation in relation to the position nominated;
  - (ii) the nomination application sought to meet the requirements of subregulation 5.19(3), when it was more likely that the requirements of subregulation 5.19(4) would have been met, or vice versa;
  - (iii) after the visa application was made, action was taken against the nominator under section 140K of the Act for a failure to satisfy an applicable sponsorship obligation;
  - (iv) after the visa application was made, the position ceased to be available to the applicant because the nominator ceased to operate actively, lawfully and directly, in Australia, the business within which the applicant was, or was to be, employed to work in the position;
  - (v) if the visa application is in the Temporary Residence Transition stream—after the visa application was made but before the nomination application is decided, the applicant ceased to be employed in the position in respect of which the person held a Subclass 457 (Temporary Work (Skilled)) visa;
  - (vi) if the visa application is in the Temporary Residence Transition stream—the applicant did not satisfy the 2-year requirement in sub-subparagraph 5.19(3)(c)(i)(A) or (ii)(C) (whichever is applicable) when the nomination application was made; and
- (d) after the withdrawal, the Minister receives a written request for a refund from:
  - (i) the person who paid the amount (the ***payer***); or
  - (ii) if the payer has died, or the payer has a serious physical or mental incapacity—the payer’s legal personal representative; or
  - (iii) if the payer is a bankrupt within the meaning of the *Bankruptcy Act 1966*—the trustee of the estate of the payer.

#### **19 At the end of paragraph 2.12F(7)(b)**

Add:

- or (v) a person mentioned in subparagraph (3B)(d)(ii) or (iii);

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## **Schedule 7—Migration agents—registration application charges**

### ***Migration Agents Registration Application Charge Regulations 1998***

#### **1 Before regulation 1**

Insert:

#### **Part 1—Preliminary**

#### **2 Before regulation 4**

Insert:

#### **Part 2—Amount of registration application charge**

#### **3 Regulation 4 (heading)**

Repeal the heading, substitute:

#### **4 Amount of charge: general**

#### **4 Subregulation 4(1)**

Repeal the subregulation, substitute:

- (1) This regulation applies to an individual making a registration application unless regulation 5 applies to the individual.

#### **5 Paragraph 4(2)(a)**

Omit “made on or after 1 July 2003”.

#### **6 Paragraph 4(2)(b)**

Omit “made on or after 1 July 2005”.

#### **7 Regulation 5 (heading)**

Repeal the heading, substitute:

#### **5 Amount of charge: non-commercial or non-profit assistance**

#### **8 Subregulation 5(1)**

Repeal the subregulation, substitute:

- (1) This regulation applies to an individual who intends to provide immigration assistance, if the assistance is intended to be provided solely:
  - (a) on a non-commercial or non-profit basis; and
  - (b) as a member of, or a person associated with, an organisation that operates in Australia solely:
    - (i) on a non-commercial or non-profit basis; and

(ii) as a charity, or for the benefit of the Australian community.

Note: **Charity** has the meaning given by Part 2 of the *Charities Act 2013* (see section 2B of the *Acts Interpretation Act 1901*).

**9 Paragraphs 5(2)(a) and (b)**

Omit “made on or after 1 July 2000”.

## **Schedule 8—SHEV pathway**

### ***Migration Regulations 1994***

#### **1 Subregulation 2.06AAB(1) (table item 8)**

Repeal the item.

#### **2 Subregulation 2.06AAB(1) (after table item 9)**

Insert:

10        Subclass 407 (Training)

#### **3 Subparagraphs 2.06AAB(2)(a)(i) and (ii)**

After “specified”, insert “, at that time or at any later time occurring before the application is made.”.

## **Schedule 9—Changes to age limits for working holiday maker visas**

### ***Migration Regulations 1994***

#### **1 Subclause 417.211(2) of Schedule 2**

Repeal the subclause, substitute:

(2) The applicant:

- (a) holds a working holiday eligible passport of the kind, or of one of the kinds, specified in a legislative instrument made by the Minister for the purposes of this subclause; and
- (b) is aged at least 18 and no more than:
  - (i) 35; or
  - (ii) if a younger age is specified in the instrument mentioned in paragraph (a) for the kind of passport the applicant holds—that younger age.

#### **2 Paragraph 417.221(2)(a) of Schedule 2**

Omit “417.211(2)(c)”, substitute “417.211(2)(a)”.

#### **3 Clause 462.212 of Schedule 2**

Repeal the clause, substitute:

#### **462.212**

The applicant is aged at least 18 and no more than:

- (a) 35; or
- (b) if, in the instrument in writing made for the purposes of paragraph 1224A(3)(a) of Schedule 1, a younger age is specified for the foreign country that issued the passport the applicant holds—that younger age.

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## **Schedule 10—Updating references to instruments about payment of fees in foreign countries and currencies**

### *Australian Citizenship Regulation 2016*

#### **1 Subsection 16(7)**

Repeal the subsection, substitute:

(7) In this section:

***conversion instrument*** means the *Migration (IMMI 17/036: Payment of Visa Application Charges and Fees in Foreign Currencies) Instrument 2017* made for the purposes of paragraph 5.36(1A)(a) of the *Migration Regulations 1994* and as in force on 1 July 2017.

***places and currencies instrument*** means the *Migration (IMMI 17/037: Places and Currencies for Paying of Fees) Instrument 2017* made for the purposes of paragraphs 5.36(1)(a) and (b) of the *Migration Regulations 1994* and as in force on 1 July 2017.

## Schedule 11—Assurance of support for humanitarian visa applicants

### *Migration Regulations 1994*

#### **1 Subparagraph 1402(2)(a)(i) of Schedule 1**

Omit “200, 201, 202, 203 or 204”, substitute “202”.

#### **2 Paragraph 1402(2)(b) of Schedule 1 (table items 1 and 2)**

Omit “200, 201, 202, 203 or 204”, substitute “202”.

#### **3 Subitem 1402(3A) of Schedule 1**

Omit “200, 201, 202, 203 or 204”, substitute “202”.

#### **4 Subitem 1402(3A) of Schedule 1 (notes 1 and 2)**

Repeal the notes.

#### **5 Clause 200.111 of Schedule 2 (definition of *approved proposing organisation*)**

Repeal the definition.

#### **6 Subclause 200.211(1) of Schedule 2**

Omit “If the application does not include a proposal by an approved proposing organisation, the”, substitute “The”.

#### **7 Clause 200.212 of Schedule 2**

Repeal the clause.

#### **8 Clause 200.221 of Schedule 2**

Repeal the clause, substitute:

### **200.221**

The applicant continues to satisfy the criteria in clause 200.211.

#### **9 Subclause 200.222(1) of Schedule 2**

Omit “(1) If the application does not include a proposal by an approved proposing organisation, the”, substitute “The”.

#### **10 Subclause 200.222(2) of Schedule 2**

Repeal the subclause.

#### **11 Paragraph 200.311(a) of Schedule 2**

Repeal the paragraph, substitute:

- (a) is a member of the family unit of, and made a combined application with, a person who meets, or has met, the requirements of paragraph 200.211(1)(a) or (aa); or

**12 Paragraph 200.321(a) of Schedule 2**

Repeal the paragraph, substitute:

- (a) continues to be a member of the family unit of a person who, having satisfied the primary criteria and, in particular, having met the requirements of paragraph 200.211(1)(a) or (aa), is the holder of a Subclass 200 visa; or

**13 Clause 200.411 of Schedule 2 (note)**

Repeal the note.

**14 Clause 201.111 of Schedule 2 (definition of *approved proposing organisation*)**

Repeal the definition.

**15 Subclause 201.211(1) of Schedule 2**

Omit “If the application does not include a proposal by an approved proposing organisation, the”, substitute “The”.

**16 Clause 201.212 of Schedule 2**

Repeal the clause.

**17 Clause 201.221 of Schedule 2**

Repeal the clause, substitute:

**201.221**

The applicant continues to satisfy the criteria in clause 201.211.

**18 Subclause 201.222(1) of Schedule 2**

Omit “(1) If the application does not include a proposal by an approved proposing organisation, the”, substitute “The”.

**19 Subclause 201.222(2) of Schedule 2**

Repeal the subclause.

**20 Paragraph 201.311(a) of Schedule 2**

Repeal the paragraph, substitute:

- (a) is a member of the family unit of, and made a combined application with, a person who meets, or has met, the requirements of paragraph 201.211(1)(a) or (aa); or

**21 Paragraph 201.321(a) of Schedule 2**

Repeal the paragraph, substitute:

- (a) continues to be a member of the family unit of a person who, having satisfied the primary criteria and, in particular, having met the requirements of paragraph 201.211(1)(a) or (aa), is the holder of a Subclass 201 visa; or

**22 Clause 201.411 of Schedule 2 (note)**

Repeal the note.

**23 Clause 202.111 of Schedule 2 (subparagraph (a)(i) of the definition of approved proposing organisation)**

Omit “Refugee and Humanitarian (Class XB)”, substitute “Subclass 202”.

**24 Clause 202.111 of Schedule 2 (note at the end of the definition of approved proposing organisation)**

Repeal the note.

**25 Clause 202.223 of Schedule 2**

Before “The permanent settlement of the”, insert “(1)”.

**26 At the end of clause 202.223 of Schedule 2**

Add:

(2) If the application includes a proposal by an approved proposing organisation, the permanent settlement of the applicant in Australia would be consistent with the priorities of the Commonwealth in relation to the permanent settlement in Australia of persons who are proposed by approved proposing organisations for Subclass 202 visas.

Note: This subclause commenced on 1 July 2017 as part of the Department’s Community Support Programme, which deals with the permanent settlement in Australia of persons who are proposed by approved proposing organisations for Subclass 202 visas.

**27 Clause 202.225 of Schedule 2**

Omit “The applicant”, substitute “If the application does not include a proposal by an approved proposing organisation, the applicant”.

**28 After clause 202.227 of Schedule 2**

Insert:

**202.227A**

If:

- (a) the application includes a proposal by an approved proposing organisation; and
- (b) the Minister has requested an assurance of support in relation to the applicant;

the Minister is satisfied that:

- (c) the assurance has been accepted by the Secretary of Social Services; and
- (d) if a person (in this clause called the **additional applicant**):

- (i) is a member of the family unit of the applicant; and
- (ii) made a combined application with the applicant;

the additional applicant meets the requirements of paragraph 202.322A(c) or (d).

**29 After clause 202.322 of Schedule 2**

Insert:

## **202.322A**

If:

- (a) the application of the person who satisfied the primary criteria includes a proposal by an approved proposing organisation; and
- (b) the Minister has requested an assurance of support in relation to that person;

the Minister is satisfied that:

- (c) the applicant is included in the assurance of support given in relation to that person, and that assurance has been accepted by the Secretary of Social Services; or
- (d) an assurance of support in relation to the applicant has been accepted by the Secretary of Social Services.

## **30 Clause 202.312 of Schedule 2**

Repeal the clause, substitute:

## **202.312**

The applicant is included in:

- (a) if the application of the relevant person who satisfies the primary criteria does not include a proposal by an approved proposing organisation—the proposal made under clause 202.225 in respect of that person; or
- (b) if the application of the relevant person who satisfies the primary criteria includes a proposal by an approved proposing organisation—that proposal.

## **31 Division 203.1 of Schedule 2 (at the end of the note to the heading)**

Add, “There are no interpretation provisions specific to this Part.”.

## **32 Clause 203.111 of Schedule 2**

Repeal the clause.

## **33 Subclause 203.211(1) of Schedule 2**

Omit “If the application does not include a proposal by an approved proposing organisation, the”, substitute “The”.

## **34 Clause 203.212 of Schedule 2**

Repeal the clause.

## **35 Clause 203.221 of Schedule 2**

Repeal the clause, substitute:

## **203.221**

The applicant continues to satisfy the criteria in clause 203.211.

## **36 Subclause 203.222(1) of Schedule 2**

Omit “(1) If the application does not include a proposal by an approved proposing organisation, the”, substitute “The”.

**37 Subclause 203.222(2) of Schedule 2**

Repeal the subclause.

**38 Paragraphs 203.311(a) and 203.321(a) of Schedule 2**

Omit “or 203.212(a)”.

**39 Clause 203.411 of Schedule 2 (note)**

Repeal the note.

**40 Division 204.1 of Schedule 2 (at the end of the note to the heading)**

Add, “There are no interpretation provisions specific to this Part.”.

**41 Clause 204.111 of Schedule 2**

Repeal the clause.

**42 Subclause 204.211(1) of Schedule 2**

Omit “If the application does not include a proposal by an approved proposing organisation, the”, substitute “The”.

**43 Clause 204.211A of Schedule 2**

Repeal the clause.

**44 Clause 204.221 of Schedule 2**

Repeal the clause, substitute:

**204.221**

The applicant continues to satisfy the criteria in clause 204.211.

**45 Subclause 204.224(1) of Schedule 2**

Omit “(1) If the application does not include a proposal by an approved proposing organisation, the”, substitute “The”.

**46 Subclause 204.224(2) of Schedule 2**

Repeal the subclause.

**47 Paragraphs 204.311(a) and 204.321(a) of Schedule 2**

Omit “or 204.211A(a)”.

**48 Clause 204.411 of Schedule 2 (note)**

Repeal the note.

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## **Schedule 12—Application and transitional provisions**

### ***Australian Citizenship Regulation 2016***

#### **1 In the appropriate position in Part 4**

Insert:

#### **20 Application of amendments made by the *Migration Legislation Amendment (2017 Measures No. 3) Regulations 2017***

The amendments of section 16 made by Schedule 10 to the *Migration Legislation Amendment (2017 Measures No. 3) Regulations 2017* apply in relation to an application made on or after 1 July 2017.

### ***Migration Agents Registration Application Charge Regulations 1998***

#### **2 At the end of the Regulations**

Add:

## **Part 3—Transitional and application provisions**

#### **7 Amendments made by the *Migration Legislation Amendment (2017 Measures No. 3) Regulations 2017***

The amendments of these Regulations made by Schedule 7 to the *Migration Legislation Amendment (2017 Measures No. 3) Regulations 2017* apply in relation to a registration application made on or after 1 July 2017.

Note: Schedule 7 to the *Migration Legislation Amendment (2017 Measures No. 3) Regulations 2017* commences on 1 July 2017.

### ***Migration Regulations 1994***

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

Insert:

## **Part 65—Amendments made by the *Migration Legislation Amendment (2017 Measures No. 3) Regulations 2017***

### **6501 Operation of Schedule 1**

The amendments of these Regulations made by Schedule 1 to the *Migration Legislation Amendment (2017 Measures No. 3) Regulations 2017* apply in relation to:

- (a) an application for a visa made, but not finally determined, before 1 July 2017; and
- (b) an application for a visa made on or after 1 July 2017.

## **6502 Operation of Schedule 2**

The amendments of these Regulations made by Schedule 2 to the *Migration Legislation Amendment (2017 Measures No. 3) Regulations 2017* apply in relation to cancellation of a visa on or after 1 July 2017, whether the visa was granted before, on or after that day.

## **6503 Operation of Schedule 3**

The amendments of these Regulations made by Schedule 3 to the *Migration Legislation Amendment (2017 Measures No. 3) Regulations 2017* apply in relation to an application for a Medical Treatment (Visitor) (Class UB) visa made on or after 1 July 2017.

## **6504 Operation of Schedule 5**

- (1) The amendments of regulation 1.03 and paragraphs 461.212(2)(a) and (b) of Schedule 2 made by Schedule 5 to the *Migration Legislation Amendment (2017 Measures No. 3) Regulations 2017* apply in relation to an application for a visa made on or after 1 July 2017.
- (2) The amendments of regulation 2.16 made by Schedule 5 to the *Migration Legislation Amendment (2017 Measures No. 3) Regulations 2017* apply in relation to the grant of a visa on or after 1 July 2017.

## **6505 Operation of Schedule 6**

### *Employer nominations*

- (1) The amendments of these Regulations made by Part 1 of Schedule 6 to the *Migration Legislation Amendment (2017 Measures No. 3) Regulations 2017* apply in relation to an application for the approval of a nomination, if the application is made on or after 1 July 2017.

### *Nominated and sponsored skilled visas*

- (2) Subject to subclause (3), the amendments of these Regulations made by Part 2 of Schedule 6 to the *Migration Legislation Amendment (2017 Measures No. 3) Regulations 2017* apply in relation to an application for a visa made on or after 1 July 2017.
- (3) However, the amendments of subitems 1138(4) and 1230(4) of Schedule 1 to these Regulations made by that Part do not apply in relation to an application for a visa if:
  - (a) both:
    - (i) the application is made in response to an invitation given by the Minister before 1 July 2017; and
    - (ii) the application is made on or after 1 July 2017; or
  - (b) both:
    - (i) the applicant claims to be a member of the family unit of an applicant (the *primary applicant*) to whom paragraph (a) applies; and
    - (ii) the application is combined with the application made by the primary applicant.

*Refunds*

(4) The amendments of these Regulations made by Part 3 of Schedule 6 to the *Migration Legislation Amendment (2017 Measures No. 3) Regulations 2017* apply in relation to withdrawing a visa application on or after 1 July 2017, whether the visa application was made before, on or after 1 July 2017.

**6506 Operation of Schedule 8**

(1) The amendments of these Regulations made by items 1 and 2 of Schedule 8 to the *Migration Legislation Amendment (2017 Measures No. 3) Regulations 2017* apply in relation to an application for a visa made on or after 1 July 2017.

(2) The amendment of these Regulations made by item 3 of Schedule 8 to the *Migration Legislation Amendment (2017 Measures No. 3) Regulations 2017* applies in relation to an application for a visa made on or after 1 July 2017, whether the relevant employment or study occurred before, on or after 1 July 2017.

**6507 Operation of Schedule 9**

The amendments of these Regulations made by Schedule 9 to the *Migration Legislation Amendment (2017 Measures No. 3) Regulations 2017* apply in relation to an application for a visa made on or after 1 July 2017.

**6508 Operation of Schedule 11**

The amendments of these Regulations made by Schedule 11 to the *Migration Legislation Amendment (2017 Measures No. 3) Regulations 2017* apply in relation to an application for a visa made on or after 1 July 2017.