



Home Affairs Legislation Amendment (2018 Measures No. 1) Regulations 2018

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 07 June 2018

Peter Cosgrove
Governor-General

By His Excellency's Command

Peter Dutton
Minister for Home Affairs
Minister for Immigration and Border Protection

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1 Name

This instrument is the *Home Affairs Legislation Amendment (2018 Measures No. 1) Regulations 2018*.

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 2018.	1 July 2018

Note: This table relates only to the provisions of this instrument as originally made.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

- (a) the *Australian Citizenship Act 2007*;
- (b) the *Customs Act 1901*;
- (c) 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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—Lodgement of partner and parent visa applications

Migration Regulations 1994

1 Subitem 1124(1) of Schedule 1

Repeal the subitem, substitute:

- (1) Form: The approved form specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

2 Paragraphs 1124(3)(a) and (aa) of Schedule 1

Repeal the paragraphs, substitute:

- (a) An application must be made at the place, and in the manner, (if any) specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

3 Subitem 1124A(1) of Schedule 1

Repeal the subitem, substitute:

- (1) Form: The approved form specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

4 Paragraph 1124A(3)(a) of Schedule 1

Repeal the paragraph, substitute:

- (a) An application must be made at the place, and in the manner, (if any) specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

5 Paragraph 1124A(3)(bb) of Schedule 1

Repeal the paragraph.

6 Subitem 1124B(1) of Schedule 1

Repeal the subitem, substitute:

- (1) Form: The approved form specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

7 Paragraph 1124B(3)(a) of Schedule 1

Repeal the paragraph, substitute:

- (a) An application must be made at the place, and in the manner, (if any) specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

8 Paragraph 1124B(3)(ca) of Schedule 1

Repeal the paragraph.

9 Subparagraph 1124B(3)(e)(ii) of Schedule 1

Omit “an approved form 40SP or 40SP (Internet)”, substitute “the approved form specified by the Minister in a legislative instrument made for this subparagraph under subregulation 2.07(5)”.

10 Subitem 1129(1) of Schedule 1

Repeal the subitem, substitute:

- (1) Form: The approved form specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

11 Paragraphs 1129(3)(a) and (b) of Schedule 1

Repeal the paragraphs, substitute:

- (a) An application must be made at the place, and in the manner, (if any) specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

12 Paragraph 1129(3)(f) of Schedule 1

Repeal the paragraph.

13 Subitem 1130(1) of Schedule 1

Repeal the subitem, substitute:

- (1) Form: The approved form specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

14 Paragraphs 1130(3)(a) and (b) of Schedule 1

Repeal the paragraphs, substitute:

- (a) An application must be made at the place, and in the manner, (if any) specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

15 Paragraph 1130(3)(c) of Schedule 1

Omit all the words after “relevant applicant’s”, substitute “application may be made at the same time and place as, and combined with, the application made by the other applicant”.

16 Subitem 1130A(1) of Schedule 1

Repeal the subitem, substitute:

- (1) Form: The approved form specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

17 Paragraph 1130A(3)(a) of Schedule 1

Repeal the paragraph, substitute:

- (a) An application must be made at the place, and in the manner, (if any) specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

18 Paragraph 1130A(3)(ba) of Schedule 1

Repeal the paragraph.

19 Subitem 1214C(1) of Schedule 1

Repeal the subitem, substitute:

- (1) Form: The approved form specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

20 Paragraph 1214C(3)(b) of Schedule 1

Repeal the paragraph, substitute:

- (b) An application must be made at the place, and in the manner, (if any) specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

21 Paragraph 1214C(3)(fa) of Schedule 1

Repeal the paragraph.

22 Subitem 1215(1) of Schedule 1

Repeal the subitem, substitute:

- (1) Form: The approved form specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

23 Paragraph 1215(3)(a) of Schedule 1

Repeal the paragraph, substitute:

- (a) An application must be made at the place, and in the manner, (if any) specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

24 Subitem 1220A(1) of Schedule 1

Repeal the subitem, substitute:

- (1) Form: The approved form specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

25 Paragraph 1220A(3)(a) of Schedule 1

Repeal the paragraph, substitute:

- (a) An application must be made at the place, and in the manner, (if any) specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

26 Subitem 1221(1) of Schedule 1

Repeal the subitem, substitute:

- (1) Form: The approved form specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

27 Paragraph 1221(3)(a) of Schedule 1

Repeal the paragraph, substitute:

- (a) An application must be made at the place, and in the manner, (if any) specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

28 Paragraph 1221(3)(d) of Schedule 1

Repeal the paragraph.

29 Subitem 1221A(1) of Schedule 1

Repeal the subitem, substitute:

- (1) Form: The approved form specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

30 Paragraph 1221A(3)(a) of Schedule 1

Repeal the paragraph, substitute:

- (a) An application must be made at the place, and in the manner, (if any) specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

31 Paragraphs 1221A(3)(da) and (e) of Schedule 1

Repeal the paragraphs.

32 In the appropriate position in Schedule 13

Insert:

**Part 71—Amendments made by the Home Affairs
Legislation Amendment (2018 Measures No. 1)
Regulations 2018**

7101 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Home Affairs Legislation Amendment (2018 Measures No. 1) Regulations 2018* apply in relation to an application for a visa made on or after 1 July 2018.

Schedule 2—Maximum age limit for partner points in the general skilled migration program

Migration Regulations 1994

1 Part 6D.11 of Schedule 6D (table item 6D111, column headed “Qualification”, paragraph (c))

Omit “50”, substitute “45”.

2 At the end of Part 71 of Schedule 13

Add:

7102 Operation of Schedule 2

The amendment of these Regulations made by Schedule 2 to the *Home Affairs Legislation Amendment (2018 Measures No. 1) Regulations 2018* applies in relation to an application for a visa made on or after 1 July 2018 in response to an invitation given by the Minister on or after that day.

Schedule 3—Credit card surcharge

Australian Citizenship Regulation 2016

1 Subparagraph 16(1)(b)(i)

Omit “0.98%”, substitute “1.32%”.

Customs Regulation 2015

2 Paragraph 150B(2)(a)

Omit “0.98%”, substitute “1.32%”.

Migration Regulations 1994

3 Paragraph 5.41A(2)(a)

Omit “0.98%”, substitute “1.32%”.

Schedule 4—Payment of fees

Australian Citizenship Regulation 2016

1 Subsection 16(7)

Repeal the subsection, substitute:

(7) In this section:

conversion instrument means the *Migration (IMMI 18/063: Payment of Visa Application Charges and Fees in Foreign Currencies) Instrument 2018* made for the purposes of paragraph 5.36(1A)(a) of the *Migration Regulations 1994* and as in force on 1 July 2018.

places and currencies instrument means the *Migration (IMMI 18/064: Places and Currencies for Paying of Fees) Instrument 2018* made for the purposes of paragraphs 5.36(1)(a) and (b) of the *Migration Regulations 1994* and as in force on 1 July 2018.

2 In the appropriate position in Part 4

Insert:

21 Application of amendment made by Schedule 4 to the *Home Affairs Legislation Amendment (2018 Measures No. 1) Regulations 2018*

The amendment of section 16 made by Schedule 4 to the *Home Affairs Legislation Amendment (2018 Measures No. 1) Regulations 2018* applies in relation to an application made on or after 1 July 2018.