



# **Migration Amendment (Cessation and Grant of Bridging Visas) Regulations 2024**

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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                    5 December 2024

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 (Cessation and Grant of Bridging 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.

<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	The day after this instrument is registered.	7 December 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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 Cessation of certain bridging visas and grant of replacement bridging visa****Schedule 1—Amendments****Part 1—Cessation of certain bridging visas and grant of replacement bridging visa***Migration Regulations 1994***1 After regulation 2.24**

Insert:

**2.24A Grant of Subclass 050 Bridging (General) visa without application and cessation of certain other bridging visas**

- (1) This regulation applies to a person if:
  - (a) the person was granted a bridging visa on the basis of making a valid application for a substantive visa; and
  - (b) at a particular time (the *cessation time*), the bridging visa ceases to be in effect under one of the following provisions of Schedule 2:
    - (i) subparagraph 010.511(1)(b)(iia);
    - (ii) subparagraph 020.511(1)(b)(iia);
    - (iii) subparagraph 030.511(1)(b)(iia);
    - (iv) subparagraph 050.511(1)(b)(iia);
    - (v) paragraph 051.511(1)(aa); and
  - (c) at the cessation time, the person is in Australia, but not in immigration clearance.

*Grant of new bridging visa to replace ceased bridging visa*

- (2) Despite anything in Schedule 1 and Divisions 050.2 to 050.4 of Part 050 of Schedule 2, the Minister must, immediately after the cessation time, grant the person a Subclass 050 Bridging (General) visa in respect of the application for the substantive visa.

Note: See Divisions 050.5 and 050.6 of Part 050 of Schedule 2 for when the visa is in effect and the conditions to which it is subject.

*Cessation of certain other bridging visas held by the person*

- (3) If, at the cessation time, the person also held another visa of any of the following classes:
  - (a) Bridging A (Class WA);
  - (b) Bridging B (Class WB);
  - (c) Bridging C (Class WC);
  - (d) Bridging E (Class WE);that other visa, despite anything in Schedule 2, also ceases to be in effect immediately after the cessation time.

**2 Subparagraph 010.511(1)(b)(ii) of Schedule 2**

After “a visa”, insert “and subclause (1A) does not apply in relation to the decision”.

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**3 After subparagraph 010.511(1)(b)(ii) of Schedule 2**

Insert:

- (iiaa) if the Minister's decision in respect of that application is to refuse to grant a visa and subclause (1A) applies in relation to the decision—the time the Minister makes the decision; or

**4 After subclause 010.511(1) of Schedule 2**

Insert:

- (1A) This subclause applies in relation to a decision to refuse to grant the non-citizen a substantive visa if:
  - (a) both of the following apply:
    - (i) a criterion for the grant of the substantive visa is that the non-citizen satisfies public interest criterion 4003;
    - (ii) the non-citizen did not satisfy paragraph (b) of that criterion; or
  - (b) both of the following apply:
    - (i) a criterion for the grant of the substantive visa is that the non-citizen satisfies public interest criterion 4003A;
    - (ii) the non-citizen did not satisfy that criterion.

**5 Subparagraph 020.511(1)(b)(ii) of Schedule 2**

After "a visa", insert "and subclause (1A) does not apply in relation to the decision".

**6 After subparagraph 020.511(1)(b)(ii) of Schedule 2**

Insert:

- (iiaa) if the Minister's decision in respect of that application is to refuse to grant a visa and subclause (1A) applies in relation to the decision—the time the Minister makes the decision; or

**7 After subclause 020.511(1) of Schedule 2**

Insert:

- (1A) This subclause applies in relation to a decision to refuse to grant the non-citizen a substantive visa if:
  - (a) both of the following apply:
    - (i) a criterion for the grant of the substantive visa is that the non-citizen satisfies public interest criterion 4003;
    - (ii) the non-citizen did not satisfy paragraph (b) of that criterion; or
  - (b) both of the following apply:
    - (i) a criterion for the grant of the substantive visa is that the non-citizen satisfies public interest criterion 4003A;
    - (ii) the non-citizen did not satisfy that criterion.

**8 Subparagraph 030.511(1)(b)(ii) of Schedule 2**

After "a visa", insert "and subclause (1A) does not apply in relation to the decision".

**9 After subparagraph 030.511(1)(b)(ii) of Schedule 2**

Insert:

**Schedule 1 Amendments****Part 1 Cessation of certain bridging visas and grant of replacement bridging visa**

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- (iiia) if the Minister's decision in respect of that application is to refuse to grant a visa and subclause (1A) applies in relation to the decision—the time the Minister makes the decision; or

**10 After subclause 030.511(1) of Schedule 2**

Insert:

- (1A) This subclause applies in relation to a decision to refuse to grant the non-citizen a substantive visa if:
  - (a) both of the following apply:
    - (i) a criterion for the grant of the substantive visa is that the non-citizen satisfies public interest criterion 4003;
    - (ii) the non-citizen did not satisfy paragraph (b) of that criterion; or
  - (b) both of the following apply:
    - (i) a criterion for the grant of the substantive visa is that the non-citizen satisfies public interest criterion 4003A;
    - (ii) the non-citizen did not satisfy that criterion.

**11 Subclause 050.511(1) of Schedule 2**

Omit “granted to a non-citizen (other than a non-citizen to whom subclause 050.222(3) applies)”, substitute “(other than a visa granted to a non-citizen to whom subclause 050.222(3) applies, or a visa granted under regulation 2.24A) granted to a non-citizen”.

**12 Subparagraph 050.511(1)(b)(ii) of Schedule 2**

After “a visa”, insert “and subclause (1A) does not apply in relation to the decision”.

**13 After subparagraph 050.511(1)(b)(ii) of Schedule 2**

Insert:

- (iiia) if the Minister's decision in respect of that application is to refuse to grant a visa and subclause (1A) applies in relation to the decision—the time the Minister makes the decision; or

**14 After subclause 050.511(1) of Schedule 2**

Insert:

- (1A) This subclause applies in relation to a decision to refuse to grant the non-citizen a substantive visa if:
  - (a) both of the following apply:
    - (i) a criterion for the grant of the substantive visa is that the non-citizen satisfies public interest criterion 4003;
    - (ii) the non-citizen did not satisfy paragraph (b) of that criterion; or
  - (b) both of the following apply:
    - (i) a criterion for the grant of the substantive visa is that the non-citizen satisfies public interest criterion 4003A;
    - (ii) the non-citizen did not satisfy that criterion.

**15 Subparagraph 051.511(1)(a)(ii) of Schedule 2**

After “a visa”, insert “and subclause (1A) does not apply in relation to the decision”.

## **16 After paragraph 051.511(1)(a) of Schedule 2**

Insert:

- (aa) if the Minister's decision in respect of that application is to refuse to grant a visa and subclause (1A) applies in relation to the decision—the time the Minister makes the decision; or

## **17 After subclause 051.511(1) of Schedule 2**

Insert:

- (1A) This subclause applies in relation to a decision to refuse to grant the non-citizen a substantive visa if:
  - (a) both of the following apply:
    - (i) a criterion for the grant of the substantive visa is that the non-citizen satisfies public interest criterion 4003;
    - (ii) the non-citizen did not satisfy paragraph (b) of that criterion; or
  - (b) both of the following apply:
    - (i) a criterion for the grant of the substantive visa is that the non-citizen satisfies public interest criterion 4003A;
    - (ii) the non-citizen did not satisfy that criterion.

## Part 2—Cessation and conditions of certain bridging visas

### *Migration Regulations 1994*

#### 18 Regulation 1.03

Insert:

***weapons of mass destruction determination*** means a determination mentioned in any of the following provisions:

- (a) sub subparagraph 2.43(1)(a)(i)(B);
- (b) subparagraph 2.43(1)(a)(ii);
- (c) paragraph (b) of public interest criterion 4003;
- (d) public interest criterion 4003A.

#### 19 After clause 050.511 of Schedule 2

Insert:

#### 050.511AA

- (1) In the case of a visa granted to a non-citizen under regulation 2.24A in respect of the non-citizen's application for a substantive visa referred to in paragraph 2.24A(1)(a)—bridging visa:
  - (a) coming into effect on grant; and
  - (b) permitting the holder to remain in Australia until:
    - (i) 35 days after the Minister decided to refuse to grant the substantive visa to the non-citizen; or
    - (ii) if the ART decides that the holder's application for merits review of that refusal was not made in accordance with the law governing the making of applications to the ART—35 days after the ART makes the decision; or
    - (iii) if the ART makes a decision on the holder's application for merits review of that refusal (other than a decision to remit the application to the Minister for reconsideration)—35 days after the ART makes the decision; or
    - (iv) if the holder withdraws an application to the ART—35 days after that withdrawal; or
    - (v) the grant of a further bridging visa to the holder in respect of the holder's substantive visa application; or
    - (vi) if the ART remits the holder's application for the substantive visa, to the Minister, for reconsideration—the day worked out in accordance with whichever subparagraph of this paragraph applies in relation to the reconsideration.
- (2) For the purposes of subparagraphs (1)(b)(i), (ii) and (iii), the 35 day period begins to run:
  - (a) despite any failure to comply with the requirements of the Act or these Regulations in relation to the decision mentioned in the subparagraph; and
  - (b) irrespective of the validity of the decision.

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## **20 Clause 050.613 of Schedule 2**

Repeal the clause, substitute:

### **050.613**

- (1) In the case of a visa (other than a visa to which clause 050.616B applies) granted to an applicant who meets the requirements of subclause 050.212(6A) or (8)—any 1 or more of conditions 8201, 8207, 8401, 8505, 8506, 8507, 8508, 8510, 8511, 8512 and 8548 may be imposed.
- (2) Despite anything in the other provisions of this Division, those provisions do not apply in relation to a visa to which subclause (1) applies.

Note: This means that the only conditions that may be imposed on such a visa are those conditions set out in subclause (1).

## **21 Subclause 050.613A(1) of Schedule 2**

Omit “granted to an applicant (whether or not the applicant is an applicant to which any other clause in this Division applies, other than clause 050.613 or 050.616A)”, substitute “(other than a visa to which clause 050.613, 050.616A or 050.616B applies) granted to an applicant”.

## **22 Subclause 050.613A(2) of Schedule 2**

Omit “applicant is an applicant to whom”, substitute “visa is a visa to which”.

## **23 At the end of clause 050.613A of Schedule 2**

Add:

- (4) Despite anything in the other provisions of this Division, those provisions do not apply in relation to a visa to which subclause (1) applies.

Note: This means that the only conditions that are, or may be, imposed on such a visa are those conditions set out in subclauses (1) and (2).

## **24 Subclause 050.616A(1) of Schedule 2**

Omit “(whether or not the holder of the visa is a person to whom another clause in this Division would otherwise apply)”.

## **25 At the end of clause 050.616A of Schedule 2**

Add:

- (3) Despite anything in the other provisions of this Division, those provisions do not apply in relation to a visa to which subclause (1) applies.

Note: This means that the only conditions that may be imposed on such a visa are those conditions set out in subclause (1).

## **26 After clause 050.616A of Schedule 2**

Insert:

### **050.616B**

- (1) In the case of:
  - (a) a visa granted under regulation 2.24A; or

**Schedule 1** Amendments

**Part 2** Cessation and conditions of certain bridging visas

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(b) a visa (other than a visa granted under section 195A of the Act) granted to an applicant in respect of whom:

- (i) a weapons of mass destruction determination has been made; and
- (ii) the Foreign Minister, or a person authorised by the Foreign Minister, has not subsequently determined that the applicant is no longer a person whose presence in Australia may be directly or indirectly associated with the proliferation of weapons of mass destruction;

the following:

- (c) conditions 8103 and 8207;
- (d) any 1 or more of conditions 8501, 8303, 8549, 8401, 8402, 8505, 8506, 8507, 8508, 8509, 8510, 8511, 8512, 8513, 8514, 8550, 8552, 8553, 8554, 8555, 8556, 8560, 8563, 8564, 8566 and 8578 may be imposed.

(2) Despite anything in the other provisions of this Division, those provisions do not apply in relation to a visa to which subclause (1) applies.

Note: This means that the only conditions that are, or may be, imposed on such a visa are those conditions set out in subclause (1).

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## **Part 3—Bar on applications for certain bridging visas**

### *Migration Regulations 1994*

#### **27 At the end of paragraph 1301(3)(d) of Schedule 1**

Add:

; or (v) hold or have previously held a Bridging E (Class WE) visa granted under regulation 2.24A.

#### **28 After paragraph 1301(3)(d) of Schedule 1**

Insert:

(da) Either:

- (i) the applicant is not a person in respect of whom a weapons of mass destruction determination has been made; or
- (ii) if the applicant is a person in respect of whom a weapons of mass destruction determination has been made—the Foreign Minister, or a person authorised by the Foreign Minister, has subsequently determined that the applicant is no longer a person whose presence in Australia may be directly or indirectly associated with the proliferation of weapons of mass destruction.

#### **29 After paragraph 1302(3)(c) of Schedule 1**

Insert:

(ca) Either:

- (i) the applicant is not a person in respect of whom a weapons of mass destruction determination has been made; or
- (ii) if the applicant is a person in respect of whom a weapons of mass destruction determination has been made—the Foreign Minister, or a person authorised by the Foreign Minister, has subsequently determined that the applicant is no longer a person whose presence in Australia may be directly or indirectly associated with the proliferation of weapons of mass destruction.

#### **30 Subparagraphs 1303(3)(d)(ii) and (iii) of Schedule 1**

After “(Class WE) visa”, insert “(other than a Bridging E (Class WE) visa granted under regulation 2.24A)”.

#### **31 After paragraph 1303(3)(d) of Schedule 1**

Insert:

(da) Either:

- (i) the applicant is not a person in respect of whom a weapons of mass destruction determination has been made; or
- (ii) if the applicant is a person in respect of whom a weapons of mass destruction determination has been made—the Foreign Minister, or a person authorised by the Foreign Minister, has subsequently determined that the applicant is no longer a person whose presence in Australia may be directly or indirectly associated with the proliferation of weapons of mass destruction.

## Part 4—Application provisions

### *Migration Regulations 1994*

#### 32 In the appropriate position in Schedule 13

Insert:

## Part 131—Amendments made by the Migration Amendment (Cessation and Grant of Bridging Visas) Regulations 2024

### 13101 Operation of amendments

- (1) The amendments of Schedule 2 to these Regulations made by Parts 1 and 2 of Schedule 1 to the *Migration Amendment (Cessation and Grant of Bridging Visas) Regulations 2024* apply in relation to a visa granted on or after the commencement of those Parts.
- (2) The amendments of Schedule 1 to these Regulations made by Part 3 of Schedule 1 to the *Migration Amendment (Cessation and Grant of Bridging Visas) Regulations 2024* apply in relation to a visa application made on or after the commencement of that Part.

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