



# **Migration Amendment (Family Violence Provisions and Other Measures) 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 12 December 2024

Sam Mostyn AC  
Governor-General

By Her Excellency's Command

Julian Hill  
Assistant Minister for Citizenship and Multicultural Affairs  
Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs

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## 1 Name

This instrument is the *Migration Amendment (Family Violence Provisions and Other Measures) 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	17 December 2024.	17 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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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—Family Violence Provisions

### *Migration Regulations 1994*

#### **1 Paragraph 1104BA(2)(b) of Schedule 1 (at the end of the cell at table item 1, column headed “Applicant”)**

Add:

; and (e) is an applicant to whom item 1A does not apply

#### **2 Paragraph 1104BA(2)(b) of Schedule 1 (after table item 1)**

Insert:

1A	Applicant who meets the requirements of subclause 888.311(3), (4), (5) or (6) of Schedule 2	Nil
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#### **3 After paragraph 1124A(3)(bb) of Schedule 1**

Insert:

(bc) An applicant seeking to satisfy the primary criteria must be an aged parent.

#### **4 After paragraph 1130A(3)(ca) of Schedule 1**

Insert:

(cb) An applicant seeking to satisfy the primary criteria must be an aged parent.

#### **5 After paragraph 1221A(3)(ca) of Schedule 1**

Insert:

(cb) An applicant seeking to satisfy the primary criteria must be an aged parent.

#### **6 Clause 103.227 of Schedule 2**

Repeal the clause, substitute:

#### **103.227**

- (1) Each person who is covered by subclause (2), (3) or (4):
  - (a) satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4009, 4010 and 4020; and
  - (b) if the person had turned 18 at the time of application—satisfies public interest criterion 4019; and
  - (c) if the person has previously been in Australia—satisfies special return criteria 5001, 5002 and 5010.
- (2) This subclause covers a person:
  - (a) who is a member of the family unit of the applicant (the *primary applicant*); and
  - (b) who is also an applicant for a Subclass 103 visa.
- (3) 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 103 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.

- (4) 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 103 visa; and
  - (c) the person is a member of the family unit of a person covered by subclause (3).

### **103.227A**

- (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 103 visa;satisfies public interest criteria 4001, 4002, 4003 and 4004, and satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.
- (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 103.227(3) or (4); and
  - (c) who is not an applicant for a Subclass 103 visa;satisfies public interest criteria 4001, 4002, 4003 and 4004, and satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.

### **7 Paragraph 103.228(a) of Schedule 2**

Omit "member of the family unit of the applicant", substitute "person covered by subclause 103.227(2), (3) or (4)".

### **8 Division 103.3 of Schedule 2 (note to heading)**

Repeal the note, substitute:

Note: These criteria are for applicants seeking to satisfy the secondary criteria.

### **9 Subclause 103.311(1) of Schedule 2**

Repeal the subclause, substitute:

- (1) The applicant:

- (a) is a member of the family unit of, and made a combined application with, a person (the *primary applicant*) who satisfies the primary criteria in Subdivision 103.21; or
- (b) is a member of the family unit of a person covered by subclause (1A).

(1A) This subclause covers a person (the *relevant person*) if:

- (a) the relevant person was, at the time of the relevant person's application for the visa, the spouse or de facto partner of the primary applicant; and
- (b) the relevant person made a combined application with the primary applicant; and
- (c) the relationship between the relevant person and the primary applicant has ceased; and
- (d) 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 or the primary applicant;
  - (iii) a dependent child of the relevant person or primary applicant.

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

## 10 Subclause 103.312(2) of Schedule 2

Repeal the subclause, substitute:

- (2) Subclause (1) does not apply if:
  - (a) paragraph 103.311(1)(b) applies to the applicant; or
  - (b) the applicant meets the requirements of subclause 103.313(2).

## 11 Clause 103.321 of Schedule 2

Repeal the clause, substitute:

### 103.321

- (1) The applicant meets the requirements of subclause (2), (3), (4) or (5).
- (2) The applicant meets the requirements of this subclause if the applicant:
  - (a) is the member of the family unit of a person (the *primary applicant*) who holds a Subclass 103 visa granted on the basis of satisfying the primary criteria for the grant of the visa; and
  - (b) made a combined application with the primary applicant.
- (3) The applicant meets the requirements of this subclause if:
  - (a) at the time of the application, the applicant was the spouse or de facto partner of a person (the *primary applicant*) seeking to satisfy the primary criteria for the grant of a Subclass 103 visa, and the primary applicant has since been granted that visa; and
  - (b) the relationship between the primary applicant and the applicant has ceased; and
  - (c) one or more of the following has experienced family violence committed by the primary applicant:
    - (i) the applicant;

- (ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
- (iii) a dependent child of the applicant or of the primary applicant; and
- (d) the applicant entered Australia after the applicant's visa application was made.

- (4) The applicant meets the requirements of this subclause if:
- (a) at the time of the application, the applicant was the spouse or de facto partner of a person (the *primary applicant*) seeking to satisfy the primary criteria for the grant of a Subclass 103 visa; and
  - (b) the relationship between the primary applicant and the applicant has ceased; and
  - (c) one or more of the following has experienced family violence committed by the primary applicant:
    - (i) the applicant;
    - (ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
    - (iii) a dependent child of the applicant or of the primary applicant; and
  - (d) the applicant entered Australia after the applicant's visa application was made; and
  - (e) the Minister has decided to refuse to grant the primary applicant the visa for reasons including that the primary applicant had engaged in conduct involving family violence (whether or not the family violence was against a person mentioned in paragraph (c)).
- (5) The applicant meets the requirements of this subclause if:
- (a) the applicant is a member of the family unit of a person (the *secondary applicant*) who meets the requirements of subclause (3) or (4); and
  - (b) the applicant has made a combined application with the secondary applicant or the primary applicant mentioned in subclause (3) or (4) (whichever applies to the secondary applicant); and
  - (c) a Subclass 103 visa has since been granted to the secondary applicant.

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

## 12 Subclause 103.322(1) of Schedule 2

Repeal the subclause, substitute:

- (1) Either:
- (a) a sponsorship of the kind mentioned in clause 103.212, approved by the Minister, is in force and includes sponsorship of the applicant, whether or not the sponsor was the sponsor at the time of application; or
  - (b) the applicant is sponsored in accordance with subclause (1A) and the sponsorship has been approved by the Minister and is in force.
- (1A) The applicant is sponsored:
- (a) by a child of the primary applicant mentioned in subclause 103.321(2), (3) or (4), if the child:
    - (i) has turned 18; and
    - (ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; or

- (b) by the child's cohabiting spouse or de facto partner, if the spouse or de facto partner:
  - (i) has turned 18; and
  - (ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; or
- (c) if the child or child's cohabiting spouse or de facto partner has not turned 18—by a relative or guardian of the child or child's cohabiting spouse or de facto partner, if the relative or guardian:
  - (i) has turned 18; and
  - (ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; or
- (d) if the child has not turned 18—by a community organisation.

### **13 At the end of Subdivision 103.32 of Schedule 2**

Add:

#### **103.328**

- (1) This clause applies if the applicant (the *secondary applicant*) meets the requirements of subclause 103.321(3) or (4).
- (2) Each member of the family unit of the secondary applicant who is an applicant for a Subclass 103 visa satisfies:
  - (a) public interest criteria 4001, 4002, 4003, 4004, 4005, 4009, 4010 and 4020; and
  - (b) special return criteria 5001, 5002 and 5010.
- (3) Each member of the family unit of the secondary applicant who is an applicant for a Subclass 103 visa and who has turned 18 at the time of application satisfies public interest criterion 4019.
- (4) Public interest criteria 4015 and 4016 are satisfied in relation to each member of the family unit of the secondary applicant who is an applicant for a Subclass 103 visa and who has not turned 18 at the time of decision.
- (5) Each member of the family unit of the secondary applicant who is not an applicant for a Subclass 103 visa:
  - (a) satisfies public interest criteria 4001, 4002, 4003 and 4004; and
  - (b) satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the member to undergo assessment in relation to that criterion.

### **14 Clause 115.226 of Schedule 2**

Repeal the clause, substitute:

#### **115.226**

- (1) Each person who is covered by subclause (2), (3) or (4):
  - (a) satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4009, 4010 and 4020; and
  - (b) if the person had turned 18 at the time of application—satisfies public interest criterion 4019; and

- (c) if the person has previously been in Australia—satisfies special return criteria 5001 and 5002.
  - (2) This subclause covers a person:
    - (a) who is a member of the family unit of the applicant (the *primary applicant*); and
    - (b) who is also an applicant for a Subclass 115 visa.
  - (3) 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 115 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.
- (4) 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 115 visa; and
    - (c) the person is a member of the family unit of a person covered by subclause (3).

## 115.226A

- (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 115 visa;satisfies public interest criteria 4001, 4002, 4003 and 4004, and satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.
- (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 115.226(3) or (4); and
  - (c) who is not an applicant for a Subclass 115 visa;satisfies public interest criteria 4001, 4002, 4003 and 4004, and satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.

## 15 Paragraph 115.227(a) of Schedule 2

Omit “member of the family unit of the applicant”, substitute “person covered by subclause 115.226(2), (3) or (4)”.

## 16 Division 115.3 of Schedule 2 (note to heading)

Repeal the note, substitute:

Note: These criteria are for applicants seeking to satisfy the secondary criteria.

## 17 Clauses 115.311 and 115.312 of Schedule 2

Repeal the clauses, substitute:

### 115.311

- (1) The applicant:
  - (a) is a member of the family unit of, and made a combined application with, a person (the *primary applicant*) who satisfies the primary criteria in Subdivision 115.21; or
  - (b) is a member of the family unit of a person covered by subclause (2).
- (2) This subclause covers a person (the *relevant person*) if:
  - (a) the relevant person was, at the time of the relevant person’s application for the visa, the spouse or de facto partner of the primary applicant; and
  - (b) the relevant person made a combined application with the primary applicant; and
  - (c) the relationship between the relevant person and the primary applicant has ceased; and
  - (d) 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 or the primary applicant;
    - (iii) a dependent child of the relevant person or primary applicant.

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

### 115.312

- (1) A sponsorship of the kind mentioned in clause 115.212 of the person who satisfies the primary criteria, approved by the Minister:
  - (a) is in force; and
  - (b) includes sponsorship of the applicant.
- (2) Subclause (1) does not apply if paragraph 115.311(1)(b) applies to the applicant.

## 18 Clauses 115.321 and 115.322 of Schedule 2

Repeal the clauses, substitute:

### 115.321

- (1) The applicant meets the requirements of subclause (2), (3), (4) or (5).
- (2) The applicant meets the requirements of this subclause if the applicant:

- (a) is the member of the family unit of a person (the ***primary applicant***) who holds a Subclass 115 visa granted on the basis of satisfying the primary criteria for the grant of the visa; and
  - (b) made a combined application with the primary applicant.
- (3) The applicant meets the requirements of this subclause if:
- (a) at the time of the application, the applicant was the spouse or de facto partner of a person (the ***primary applicant***) seeking to satisfy the primary criteria for the grant of a Subclass 115 visa, and the primary applicant has since been granted that visa; and
  - (b) the relationship between the primary applicant and the applicant has ceased; and
  - (c) one or more of the following has experienced family violence committed by the primary applicant:
    - (i) the applicant;
    - (ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
    - (iii) a dependent child of the applicant or of the primary applicant; and
  - (d) the applicant entered Australia after the applicant's visa application was made.
- (4) The applicant meets the requirements of this subclause if:
- (a) at the time of the application, the applicant was the spouse or de facto partner of a person (the ***primary applicant***) seeking to satisfy the primary criteria for the grant of a Subclass 115 visa; and
  - (b) the relationship between the primary applicant and the applicant has ceased; and
  - (c) one or more of the following has experienced family violence committed by the primary applicant:
    - (i) the applicant;
    - (ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
    - (iii) a dependent child of the applicant or of the primary applicant; and
  - (d) the applicant entered Australia after the applicant's visa application was made; and
  - (e) the Minister has decided to refuse to grant the primary applicant the visa for reasons including that the primary applicant had engaged in conduct involving family violence (whether or not the family violence was against a person mentioned in paragraph (c)).
- (5) The applicant meets the requirements of this subclause if:
- (a) the applicant is a member of the family unit of a person (the ***secondary applicant***) who meets the requirements of subclause (3) or (4); and
  - (b) the applicant has made a combined application with the secondary applicant or the primary applicant mentioned in subclause (3) or (4) (whichever applies to the secondary applicant); and
  - (c) a Subclass 115 visa has since been granted to the secondary applicant.

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

## 115.322

- (1) The applicant is sponsored:
  - (a) by an Australian relative for the applicant, an Australian relative for the primary applicant mentioned in subclause 115.321(2), (3) or (4) or an Australian relative for an applicant who meets the requirements of subclause 115.321(3) or (4), if the relative:
    - (i) has turned 18; and
    - (ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; or
  - (b) by the spouse or de facto partner of the relative, if the spouse or de facto partner:
    - (i) has turned 18; and
    - (ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; and
    - (iii) cohabits with the Australian relative.
- (2) The sponsorship is approved by the Minister and is in force.

## 19 At the end of Subdivision 115.32 of Schedule 2

Add:

## 115.327

- (1) This clause applies if the applicant (the *secondary applicant*) meets the requirements of subclause 115.321(3) or (4).
- (2) Each member of the family unit of the secondary applicant who is an applicant for a Subclass 115 visa satisfies:
  - (a) public interest criteria 4001, 4002, 4003, 4004, 4005, 4009, 4010 and 4020; and
  - (b) special return criteria 5001 and 5002.
- (3) Each member of the family unit of the secondary applicant who is an applicant for a Subclass 115 visa and who has turned 18 at the time of application satisfies public interest criterion 4019.
- (4) Public interest criteria 4015 and 4016 are satisfied in relation to each member of the family unit of the secondary applicant who is an applicant for a Subclass 115 visa and who has not turned 18 at the time of decision.
- (5) Each member of the family unit of the secondary applicant who is not an applicant for a Subclass 115 visa:
  - (a) satisfies public interest criteria 4001, 4002, 4003 and 4004; and
  - (b) satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the member to undergo assessment in relation to that criterion.

## 20 Clause 116.226 of Schedule 2

Repeal the clause, substitute:

## 116.226

- (1) Each person who is covered by subclause (2), (3) or (4):
    - (a) satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4009, 4010 and 4020; and
    - (b) if the person had turned 18 at the time of application—satisfies public interest criterion 4019; and
    - (c) if the person has previously been in Australia—satisfies special return criterion 5001.
  - (2) This subclause covers a person:
    - (a) who is a member of the family unit of the applicant (the *primary applicant*); and
    - (b) who is also an applicant for a Subclass 116 visa.
  - (3) 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 116 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.
- (4) 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 116 visa; and
    - (c) the person is a member of the family unit of a person covered by subclause (3).

## 116.226A

- (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 116 visa;satisfies public interest criteria 4001, 4002, 4003 and 4004, and satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.
- (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 116.226(3) or (4); and
  - (c) who is not an applicant for a Subclass 116 visa;

satisfies public interest criteria 4001, 4002, 4003 and 4004, and satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.

## **21 Paragraph 116.227(a) of Schedule 2**

Omit “member of the family unit of the applicant”, substitute “person covered by subclause 116.226(2), (3) or (4)”.

## **22 Division 116.3 of Schedule 2 (note to heading)**

Repeal the note, substitute:

Note: These criteria are for applicants seeking to satisfy the secondary criteria.

## **23 Clauses 116.311 and 116.312 of Schedule 2**

Repeal the clauses, substitute:

### **116.311**

- (1) The applicant:
  - (a) is a member of the family unit of, and made a combined application with, a person (the *primary applicant*) who satisfies the primary criteria in Subdivision 116.21; or
  - (b) is a member of the family unit of a person covered by subclause (2).
- (2) This subclause covers a person (the *relevant person*) if:
  - (a) the relevant person was, at the time of the relevant person’s application for the visa, the spouse or de facto partner of the primary applicant; and
  - (b) the relevant person made a combined application with the primary applicant; and
  - (c) the relationship between the relevant person and the primary applicant has ceased; and
  - (d) 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 or the primary applicant;
    - (iii) a dependent child of the relevant person or primary applicant.

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

### **116.312**

- (1) The sponsorship referred to in clause 116.212 of the person who satisfies the primary criteria includes sponsorship of the applicant.
- (2) Subclause (1) does not apply if paragraph 116.311(1)(b) applies to the applicant.

## **24 Clauses 116.321 and 116.322 of Schedule 2**

Repeal the clauses, substitute:

## 116.321

- (1) The applicant meets the requirements of subclause (2), (3), (4) or (5).
- (2) The applicant meets the requirements of this subclause if the applicant:
  - (a) is the member of the family unit of a person (the **primary applicant**) who holds a Subclass 116 visa granted on the basis of satisfying the primary criteria for the grant of the visa; and
  - (b) made a combined application with the primary applicant.
- (3) The applicant meets the requirements of this subclause if:
  - (a) at the time of the application, the applicant was the spouse or de facto partner of a person (the **primary applicant**) seeking to satisfy the primary criteria for the grant of a Subclass 116 visa, and the primary applicant has since been granted that visa; and
  - (b) the relationship between the primary applicant and the applicant has ceased; and
  - (c) one or more of the following has experienced family violence committed by the primary applicant:
    - (i) the applicant;
    - (ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
    - (iii) a dependent child of the applicant or of the primary applicant; and
  - (d) the applicant entered Australia after the applicant's visa application was made.
- (4) The applicant meets the requirements of this subclause if:
  - (a) at the time of the application, the applicant was the spouse or de facto partner of a person (the **primary applicant**) seeking to satisfy the primary criteria for the grant of a Subclass 116 visa; and
  - (b) the relationship between the primary applicant and the applicant has ceased; and
  - (c) one or more of the following has experienced family violence committed by the primary applicant:
    - (i) the applicant;
    - (ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
    - (iii) a dependent child of the applicant or of the primary applicant; and
  - (d) the applicant entered Australia after the applicant's visa application was made; and
  - (e) the Minister has decided to refuse to grant the primary applicant the visa for reasons including that the primary applicant had engaged in conduct involving family violence (whether or not the family violence was against a person mentioned in paragraph (c)).
- (5) The applicant meets the requirements of this subclause if:
  - (a) the applicant is a member of the family unit of a person (the **secondary applicant**) who meets the requirements of subclause (3) or (4); and
  - (b) the applicant has made a combined application with the secondary applicant or the primary applicant mentioned in subclause (3) or (4) (whichever applies to the secondary applicant); and
  - (c) a Subclass 116 visa has since been granted to the secondary applicant.

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

## 116.322

- (1) The applicant is sponsored:
  - (a) by an Australian relative for the applicant, an Australian relative for the primary applicant mentioned in subclause 116.321(2), (3) or (4) or an Australian relative for an applicant who meets the requirements of subclause 116.321(3) or (4), if the relative:
    - (i) has turned 18; and
    - (ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; or
  - (b) by the spouse or de facto partner of the relative, if the spouse or de facto partner:
    - (i) has turned 18; and
    - (ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; and
    - (iii) cohabits with the Australian relative.
- (2) The sponsorship is approved by the Minister and is in force.

## 25 At the end of Subdivision 116.32 of Schedule 2

Add:

## 116.327

- (1) This clause applies if the applicant (the *secondary applicant*) meets the requirements of subclause 116.321(3) or (4).
- (2) Each member of the family unit of the secondary applicant who is an applicant for a Subclass 116 visa satisfies:
  - (a) public interest criteria 4001, 4002, 4003, 4004, 4005, 4009, 4010 and 4020; and
  - (b) if the applicant has previously been in Australia—special return criteria 5001.
- (3) Each member of the family unit of the secondary applicant who is an applicant for a Subclass 116 visa and who has turned 18 at the time of application satisfies public interest criterion 4019.
- (4) Public interest criteria 4015 and 4016 are satisfied in relation to each member of the family unit of the secondary applicant who is an applicant for a Subclass 116 visa and who has not turned 18 at the time of decision.
- (5) Each member of the family unit of the secondary applicant who is not an applicant for a Subclass 116 visa:
  - (a) satisfies public interest criteria 4001, 4002, 4003 and 4004; and
  - (b) satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the member to undergo assessment in relation to that criterion.

## 26 Subclause 143.225A(1) of Schedule 2

Repeal the subclause, substitute:

- (1) If the applicant (the *primary applicant*) does not meet the requirements of subclause 143.214(2), each person who is covered by subclause (2), (3) or (4) must satisfy public interest criteria 4020.
  - (2) This subclause covers a person:
    - (a) who is a member of the family unit of the primary applicant; and
    - (b) who is also an applicant for a Subclass 143 visa.
  - (3) 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 143 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.
- (4) 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 143 visa; and
    - (c) the person is a member of the family unit of a person covered by subclause (3).

## **27 Subclause 143.225B of Schedule 2**

Omit "each member of the family unit of the applicant who is an applicant for a Subclass 143 (Contributory Parent) visa", substitute "each person who is covered by subclause 143.225A(2), (3) or (4)".

## **28 Clauses 143.229 and 143.230 of Schedule 2**

Repeal the clauses, substitute:

### **143.229**

- (1) If the applicant (the *primary applicant*) was not the holder of a Subclass 173 (Contributory Parent (Temporary)) visa at the time of application, each person covered by subclause (3), (4) or (5):
  - (a) must satisfy the public interest criteria mentioned in the item in the table that relates to the primary applicant; and
  - (b) if the person has previously been in Australia—must satisfy the special return criteria mentioned in the item in the table that relates to the primary applicant.

Item	If the primary applicant ...	the public interest criteria to be satisfied by the person covered by subclause (3), (4) or (5) are ...	and if the person has previously been in Australia, the special return criteria are ...
1	was not the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003, 4004, 4005, 4009 and 4010; and (b) if the person had turned 18 at the time of application—4019	5001, 5002 and 5010
2	was the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003, 4009 and 4010; and (b) either: (i) 4007; or (ii) if the person has previously held a Subclass 173 visa—such health checks as the Minister considers appropriate; and (c) if the person had turned 18 at the time of application—4019	5001, 5002 and 5010

(2) Subclause (1) does not apply if the primary applicant meets the requirements of subclause 143.214(2).

(3) This subclause covers a person:

- (a) who is a member of the family unit of the primary applicant; and
- (b) who is also an applicant for a Subclass 143 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 143 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 143 visa; and
- (c) the person is a member of the family unit of a person covered by subclause (4).

## 143.230

(1) If the applicant (the *primary applicant*) was not the holder of a Subclass 173 (Contributory Parent (Temporary)) visa at the time of application, each person

covered by subclause (2) or (3) must satisfy the public interest criteria mentioned in the item in the table that relates to the primary applicant.

<b>Item</b>	<b>If the primary applicant was ...</b>	<b>the public interest criteria to be satisfied by the person covered by subclause (2) or (3) are ...</b>
1	not the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003 and 4004; and (b) 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment for that criterion
2	the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002 and 4003; and (b) 4007, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment for that criterion

(2) This subclause covers a person:

- (a) who is a member of the family unit of the primary applicant; and
- (b) who is not an applicant for a Subclass 143 visa.

(3) This subclause covers a person:

- (a) who was, at the time of 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) who is a member of the family unit of a person covered by subclause 143.229(4) or (5); and
- (c) who is not an applicant for a Subclass 143 visa.

## **29 Paragraph 143.231(a) of Schedule 2**

Omit “member of the family unit of the applicant”, substitute “person covered by subclause 143.229(3), (4) or (5)”.

## **30 Subclause 143.311(1) of Schedule 2**

Omit “Either”, substitute “One of the following applies”.

## **31 Paragraph 143.311(1)(a) of Schedule 2**

After “a person”, insert “(the *primary applicant*)”.

## **32 Paragraph 143.311(1)(a) of Schedule 2**

Omit “or”.

## **33 After paragraph 143.311(1)(a) of Schedule 2**

Insert:

- (aa) the applicant is a member of the family unit of a person covered by subclause (3);

## **34 At the end of clause 143.311 of Schedule 2**

Add:

(3) This subclause covers a person (the *relevant person*) if:

- (a) the relevant person was, at the time of the relevant person’s application for the visa, the spouse or de facto partner of the primary applicant; and

- (b) the relevant person made a combined application with the primary applicant; and
- (c) the relationship between the relevant person and the primary applicant has ceased; and
- (d) 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 or the primary applicant;
  - (iii) a dependent child of the relevant person or primary applicant.

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

### **35 Subclause 143.312(2) of Schedule 2**

Repeal the subclause, substitute:

- (2) Subclause (1) does not apply if:
  - (a) paragraph 143.311(1)(aa) applies to the applicant; or
  - (b) the applicant meets the requirements of subclause 143.313(2).

### **36 Clause 143.321 of Schedule 2**

Repeal the clause, substitute:

#### **143.321**

- (1) The applicant meets the requirements of subclause (2), (3), (4) or (5).
- (2) The applicant meets the requirements of this subclause if the applicant:
  - (a) is the member of the family unit of a person (the *primary applicant*) who holds a Subclass 143 visa granted on the basis of satisfying the primary criteria for the grant of the visa; and
  - (b) made a combined application with the primary applicant.
- (3) The applicant meets the requirements of this subclause if:
  - (a) at the time of the application, the applicant was the spouse or de facto partner of a person (the *primary applicant*) seeking to satisfy the primary criteria for the grant of a Subclass 143 visa, and the primary applicant has since been granted that visa; and
  - (b) the relationship between the primary applicant and the applicant has ceased; and
  - (c) one or more of the following has experienced family violence committed by the primary applicant:
    - (i) the applicant;
    - (ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
    - (iii) a dependent child of the applicant or of the primary applicant; and
  - (d) the applicant:
    - (i) was in Australia at the time the applicant's visa application was made; or
    - (ii) entered Australia after the applicant's visa application was made.
- (4) The applicant meets the requirements of this subclause if:

- (a) at the time of the application, the applicant was the spouse or de facto partner of a person (the *primary applicant*) seeking to satisfy the primary criteria for the grant of a Subclass 143 visa; and
  - (b) the relationship between the primary applicant and the applicant has ceased; and
  - (c) one or more of the following has experienced family violence committed by the primary applicant:
    - (i) the applicant;
    - (ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
    - (iii) a dependent child of the applicant or of the primary applicant; and
  - (d) the Minister has decided to refuse to grant the primary applicant the visa for reasons including that the primary applicant had engaged in conduct involving family violence (whether or not the family violence was against a person mentioned in paragraph (c)).
- (5) The applicant meets the requirements of this subclause if:
- (a) the applicant is a member of the family unit of a person (the *secondary applicant*) who meets the requirements of subclause (3) or (4); and
  - (b) the applicant has made a combined application with the secondary applicant or the primary applicant mentioned in subclause (3) or (4) (whichever applies to the secondary applicant); and
  - (c) a Subclass 143 visa has since been granted to the secondary applicant.

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

### **37 After paragraph 143.322(1)(a) of Schedule 2**

Insert:

- (aa) the applicant is sponsored in accordance with subclause (1A) and the sponsorship has been approved by the Minister and is in force;

### **38 After subclause 143.322(1) of Schedule 2**

Insert:

- (1A) The applicant is sponsored:
- (a) by a child of the primary applicant mentioned in subclause 143.321(2), (3) or (4), if the child:
    - (i) has turned 18; and
    - (ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; or
  - (b) by the child's cohabiting spouse or de facto partner, if the spouse or de facto partner:
    - (i) has turned 18; and
    - (ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; or
  - (c) if the child or child's cohabiting spouse or de facto partner has not turned 18—by a relative or guardian of the child or child's cohabiting spouse or de facto partner, if the relative or guardian:
    - (i) has turned 18; and
    - (ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; or

(d) if the child has not turned 18—by a community organisation.

**39 Subclause 143.324(1) of Schedule 2 (table, heading to column headed “If the applicant is a member of the family unit of a person who is mentioned in clause 143.321, and the person was ...”)**

Repeal the heading, substitute:

**If the applicant is a person covered by subclause 143.321(2), (3), (4) or (5), and the person was ...**

**40 At the end of Subdivision 143.32 of Schedule 2**

Add:

**143.330**

- (1) This clause applies if the applicant (the *secondary applicant*) meets the requirements of subclause 143.321(3) or (4).
- (2) Each member of the family unit of the secondary applicant who is an applicant for a Subclass 143 visa:
  - (a) must satisfy the public interest criteria mentioned in the item in the table that relates to the secondary applicant; and
  - (b) if the member of the family unit has previously been in Australia—must satisfy the special return criteria mentioned in the item in the table that relates to the secondary applicant.

<b>Item</b>	<b>If the secondary applicant ...</b>	<b>the public interest criteria to be satisfied by the member of the family unit of the secondary applicant are ...</b>	<b>and if the member of the family unit of the secondary applicant has previously been in Australia, the special return criteria are ...</b>
1	was not the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003, 4004, 4005, 4009 and 4010; and (b) if the member of the family unit had turned 18 at the time of application—4019	5001, 5002 and 5010
2	was the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003, 4009 and 4010; and (b) either: (i) 4007; or (ii) if the member of the family unit has previously held a Subclass 173 visa—such health checks as the Minister considers appropriate; and (c) if the member of the family unit had turned 18 at the time of application—4019	5001, 5002 and 5010

- (3) Public interest criteria 4015 and 4016 are satisfied in relation to each member of the family unit of the secondary applicant who is an applicant for a Subclass 143 visa and who has not turned 18 at the time of decision.

- (4) Each member of the family unit of the secondary applicant who is not an applicant for a Subclass 143 visa satisfies the public interest criteria mentioned in the item in the table that relates to the secondary applicant.

<b>Item</b>	<b>If the secondary applicant ...</b>	<b>the public interest criteria to be satisfied by the member of the family unit of the secondary applicant are ...</b>
1	was not the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003 and 4004; and (b) 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment for that criterion
2	was the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002 and 4003; and (b) 4007, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment for that criterion

#### **41 Clause 192.215 of Schedule 2**

Repeal the clause, substitute:

#### **192.215**

- (1) The applicant (the *primary applicant*) satisfies public interest criteria 4001, 4002, 4003, 4003B, 4004, 4007, 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, 4007, 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.

### **192.215A**

- (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, and satisfies public interest criterion 4007, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.
- (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 192.215(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, and satisfies public interest criterion 4007, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.

### **42 Subclause 192.216(2) of Schedule 2**

Omit "Each member of the family unit of the applicant who is an applicant for a Subclass 192 visa", substitute "Each person covered by subclause 192.215(3), (4) or (5)".

### **43 Division 192.3 of Schedule 2 (note to heading)**

Repeal the note, substitute:

Note: These criteria are for applicants seeking to satisfy the secondary criteria. All criteria must be satisfied at the time a decision is made on the application.

### **44 Clause 192.311 of Schedule 2**

Repeal the clause, substitute:

## 192.311

- (1) The applicant meets the requirements of subclause (2), (3), (4) or (5).
- (2) The applicant meets the requirements of this subclause if the applicant:
  - (a) is the member of the family unit of a person (the **primary applicant**) who holds a Subclass 192 visa granted on the basis of satisfying the primary criteria for the grant of the visa; and
  - (b) made a combined application with the primary applicant.
- (3) The applicant meets the requirements of this subclause if:
  - (a) at the time of the application, the applicant was the spouse or de facto partner of a person (the **primary applicant**) seeking to satisfy the primary criteria for the grant of a Subclass 192 visa, and the primary applicant has since been granted that visa; and
  - (b) the relationship between the primary applicant and the applicant has ceased; and
  - (c) one or more of the following has experienced family violence committed by the primary applicant:
    - (i) the applicant;
    - (ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
    - (iii) a dependent child of the applicant or of the primary applicant; and
  - (d) the applicant:
    - (i) was in Australia at the time the applicant's visa application was made; or
    - (ii) entered Australia after the applicant's visa application was made.
- (4) The applicant meets the requirements of this subclause if:
  - (a) at the time of the application, the applicant was the spouse or de facto partner of a person (the **primary applicant**) seeking to satisfy the primary criteria for the grant of a Subclass 192 visa; and
  - (b) the relationship between the primary applicant and the applicant has ceased; and
  - (c) one or more of the following has experienced family violence committed by the primary applicant:
    - (i) the applicant;
    - (ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
    - (iii) a dependent child of the applicant or of the primary applicant; and
  - (d) the applicant:
    - (i) was in Australia at the time the applicant's visa application was made; or
    - (ii) entered Australia after the applicant's visa application was made; and
  - (e) the Minister has decided to refuse to grant the primary applicant the visa for reasons including that the primary applicant had engaged in conduct involving family violence (whether or not the family violence was against a person mentioned in paragraph (c)).
- (5) The applicant meets the requirements of this subclause if:
  - (a) the applicant is a member of the family unit of a person (the **secondary applicant**) who meets the requirements of subclause (3) or (4); and

- (b) the applicant has made a combined application with the secondary applicant or the primary applicant mentioned in subclause (3) or (4) (whichever applies to the secondary applicant); and
- (c) a Subclass 192 visa has since been granted to the secondary applicant.

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

## 45 At the end of Subdivision 192.31 of Schedule 2

Add:

### 192.315

- (1) This clause applies if the applicant (the *secondary applicant*) meets the requirements of subclause 192.311(3) or (4).
- (2) Each member of the family unit of the secondary applicant who is an applicant for a Subclass 192 visa satisfies:
  - (a) public interest criteria 4001, 4002, 4003, 4003B, 4004, 4007, 4010, 4020 and 4021; and
  - (b) special return criteria 5001, 5002 and 5010.
- (3) Each member of the family unit of the secondary applicant who is an applicant for a Subclass 192 visa and who has turned 18 at the time of application satisfies public interest criterion 4019.
- (4) Public interest criteria 4015 and 4016 are satisfied in relation to each member of the family unit of the secondary applicant who is an applicant for a Subclass 192 visa and who has not turned 18 at the time of decision.
- (5) Each member of the family unit of the secondary applicant who is not an applicant for a Subclass 192 visa:
  - (a) satisfies public interest criteria 4001, 4002, 4003, 4003B and 4004; and
  - (b) satisfies public interest criterion 4007, unless the Minister is satisfied that it would be unreasonable to require the member to undergo assessment in relation to that criterion.

## 46 Clause 804.226 of Schedule 2

Repeal the clause, substitute:

### 804.226

- (1) Each person who is covered by subclause (2), (3) or (4) satisfies the public interest criteria mentioned in the item in the table that relates to the applicant (the *primary applicant*).

Item	If the primary applicant ...	the public interest criteria to be satisfied by the person covered by subclause (2), (3) or (4) are ...
1	was not the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003, 4004, 4005, 4009, 4010 and 4020; and (b) if the person had turned 18 at the time of application—4019

Item	If the primary applicant ...	the public interest criteria to be satisfied by the person covered by subclause (2), (3) or (4) are ...
2	was the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003, 4007, 4009, 4010 and 4020; and (b) if the person had turned 18 at the time of application—4019

- (2) This subclause covers a person:
- (a) who is a member of the family unit of the primary applicant; and
  - (b) who is also an applicant for a Subclass 804 visa.
- (3) 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 804 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.

- (4) 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 804 visa; and
  - (c) the person is a member of the family unit of a person covered by subclause (3).

#### 804.226A

- (1) Each person covered by subclause (2) or (3) satisfies the public interest criteria mentioned in the item in the table that relates to the applicant (the *primary applicant*).

Item	If the primary applicant was ...	the public interest criteria to be satisfied by the person covered by subclause (2) or (3) are ...
1	not the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003 and 4004; and (b) 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment for that criterion
2	the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002 and 4003; and (b) 4007, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment for that criterion

- (2) This subclause covers a person:

- (a) who is a member of the family unit of the primary applicant; and
  - (b) who is not an applicant for a Subclass 804 visa.
- (3) This subclause covers a person:
- (a) who was, at the time of 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) who is a member of the family unit of a person covered by subclause 804.226(3) or (4); and
  - (c) who is not an applicant for a Subclass 804 visa.

#### **47 Paragraph 804.227(a) of Schedule 2**

Omit “member of the family unit of the applicant”, substitute “person covered by subclause 804.226(2), (3) or (4)”.

#### **48 Division 804.3 of Schedule 2 (note to heading)**

Repeal the note, substitute:

Note: These criteria are for applicants seeking to satisfy the secondary criteria.

#### **49 Clause 804.311 of Schedule 2**

Repeal the clause, substitute:

#### **804.311**

- (1) The applicant:
- (a) is a member of the family unit of a person (the *primary applicant*) who:
    - (i) has applied for an Aged Parent (Residence) (Class BP) visa; and
    - (ii) on the basis of the information provided in the application, appears to satisfy the criteria in Subdivision 804.21; and the Minister has not decided to grant or refuse to grant the visa to that other person; or
  - (b) is a member of the family unit of a person covered by subclause (2).
- (2) This subclause covers a person (the *relevant person*) if:
- (a) the relevant person was, at the time of the relevant person’s application for the visa, the spouse or de facto partner of the primary applicant; and
  - (b) the relevant person made a combined application with the primary applicant; and
  - (c) the relationship between the relevant person and the primary applicant has ceased; and
  - (d) 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 or the primary applicant;
    - (iii) a dependent child of the relevant person or primary applicant.

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

#### **50 Clause 804.312 of Schedule 2**

Before “A sponsorship”, insert “(1)”.

## 51 At the end of clause 804.312 of Schedule 2

Add:

- (2) Subclause (1) does not apply if paragraph 804.311(1)(b) applies to the applicant.

## 52 Clause 804.321 of Schedule 2

Repeal the clause, substitute:

### 804.321

- (1) The applicant meets the requirements of subclause (2), (3), (4) or (5).
- (2) The applicant meets the requirements of this subclause if the applicant:
  - (a) is the member of the family unit of a person (the *primary applicant*) who holds a Subclass 804 visa granted on the basis of satisfying the primary criteria for the grant of the visa; and
  - (b) made a combined application with the primary applicant.
- (3) The applicant meets the requirements of this subclause if:
  - (a) at the time of the application, the applicant was the spouse or de facto partner of a person (the *primary applicant*) seeking to satisfy the primary criteria for the grant of a Subclass 804 visa, and the primary applicant has since been granted that visa; and
  - (b) the relationship between the primary applicant and the applicant has ceased; and
  - (c) one or more of the following has experienced family violence committed by the primary applicant:
    - (i) the applicant;
    - (ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
    - (iii) a dependent child of the applicant or of the primary applicant; and
  - (d) the applicant entered Australia after the applicant's visa application was made.
- (4) The applicant meets the requirements of this subclause if:
  - (a) at the time of the application, the applicant was the spouse or de facto partner of a person (the *primary applicant*) seeking to satisfy the primary criteria for the grant of a Subclass 804 visa; and
  - (b) the relationship between the primary applicant and the applicant has ceased; and
  - (c) one or more of the following has experienced family violence committed by the primary applicant:
    - (i) the applicant;
    - (ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
    - (iii) a dependent child of the applicant or of the primary applicant; and
  - (d) the Minister has decided to refuse to grant the primary applicant the visa for reasons including that the primary applicant had engaged in conduct involving family violence (whether or not the family violence was against a person mentioned in paragraph (c)).
- (5) The applicant meets the requirements of this subclause if:

- (a) the applicant is a member of the family unit of a person (the *secondary applicant*) who meets the requirements of subclause (3) or (4); and
- (b) the applicant has made a combined application with the secondary applicant or the primary applicant mentioned in subclause (3) or (4) (whichever applies to the secondary applicant); and
- (c) a Subclass 804 visa has since been granted to the secondary applicant.

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

### **53 Clause 804.325 of Schedule 2**

Repeal the clause, substitute:

#### **804.325**

- (1) Either:
  - (a) a sponsorship of the kind mentioned in clause 804.212, approved by the Minister, is in force and includes sponsorship of the applicant, whether or not the sponsor was the sponsor at the time of application; or
  - (b) the applicant is sponsored in accordance with subclause (2) and the sponsorship has been approved by the Minister and is in force.
- (2) The applicant is sponsored:
  - (a) by a child of the primary applicant mentioned in subclause 804.321(2), (3) or (4), if the child:
    - (i) has turned 18; and
    - (ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; or
  - (b) by the child's cohabiting spouse or de facto partner, if the spouse or de facto partner:
    - (i) has turned 18; and
    - (ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; or
  - (c) if the child or child's cohabiting spouse or de facto partner has not turned 18—by a relative or guardian of the child or child's cohabiting spouse or de facto partner, if the relative or guardian:
    - (i) has turned 18; and
    - (ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; or
  - (d) if the child has not turned 18—by a community organisation.

### **54 At the end of Subdivision 804.32 of Schedule 2**

Add:

#### **804.327**

- (1) This clause applies if the applicant (the *secondary applicant*) meets the requirements of subclause 804.321(3) or (4).
- (2) Each member of the family unit of the secondary applicant who is an applicant for a Subclass 804 visa must satisfy the public interest criteria mentioned in the item in the table that relates to the secondary applicant.

<b>Item</b>	<b>If the secondary applicant ...</b>	<b>the public interest criteria to be satisfied by the member of the family unit of the secondary applicant are ...</b>
1	was not the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003, 4004, 4005, 4009, 4010 and 4020; and (b) if the member of the family unit had turned 18 at the time of application—4019
2	was the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003, 4007, 4009, 4010 and 4020; and (b) if the member of the family unit had turned 18 at the time of application—4019

- (3) Public interest criteria 4015 and 4016 are satisfied in relation to each member of the family unit of the secondary applicant who is an applicant for a Subclass 804 visa and who has not turned 18 at the time of decision.
- (4) Each member of the family unit of the secondary applicant who is not an applicant for a Subclass 804 visa satisfies the public interest criteria mentioned in the item in the table that relates to the secondary applicant.

<b>Item</b>	<b>If the secondary applicant ...</b>	<b>the public interest criteria to be satisfied by the member of the family unit of the secondary applicant are ...</b>
1	was not the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003 and 4004; and (b) 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment for that criterion
2	was the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002 and 4003; and (b) 4007, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment for that criteria.

## **55 Clause 835.224 of Schedule 2**

Repeal the clause, substitute:

### **835.224**

- (1) Each person who is covered by subclause (2), (3) or (4):
- (a) satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4009, 4010 and 4020; and
  - (b) if the person had turned 18 at the time of application—satisfies public interest criterion 4019.
- (2) This subclause covers a person:
- (a) who is a member of the family unit of the applicant (the *primary applicant*); and
  - (b) who is also an applicant for a Subclass 835 visa.
- (3) 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 835 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.

- (4) 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 835 visa; and
  - (c) the person is a member of the family unit of a person covered by subclause (3).

### **835.224A**

- (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 835 visa;satisfies public interest criteria 4001, 4002, 4003 and 4004, and satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.
- (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 835.224(3) or (4); and
  - (c) who is not an applicant for a Subclass 835 visa;satisfies public interest criteria 4001, 4002, 4003 and 4004, and satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.

### **56 Paragraph 835.225(a) of Schedule 2**

Omit "member of the family unit of the applicant", substitute "person covered by subclause 835.224(2), (3) or (4)".

### **57 Division 835.3 of Schedule 2 (note to heading)**

Repeal the note, substitute:

Note: These criteria are for applicants seeking to satisfy the secondary criteria.

### **58 Clauses 835.311 and 835.312 of Schedule 2**

Repeal the clause, substitute:

### 835.311

- (1) The applicant:
  - (a) is a member of the family unit of a person (the *primary applicant*) who:
    - (i) has applied for an Other Family (Residence) (Class BU) visa; and
    - (ii) on the basis of the information provided in the application, appears to satisfy the criteria in Subdivision 835.21;  
and the Minister has not decided to grant or refuse to grant the visa to that other person; or
  - (b) is a member of the family unit of a person covered by subclause (2).
- (2) This subclause covers a person (the *relevant person*) if:
  - (a) the relevant person was, at the time of the relevant person's application for the visa, the spouse or de facto partner of the primary applicant; and
  - (b) the relevant person made a combined application with the primary applicant; and
  - (c) the relationship between the relevant person and the primary applicant has ceased; and
  - (d) 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 or the primary applicant;
    - (iii) a dependent child of the relevant person or primary applicant.

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

### 835.312

- (1) A sponsorship of the kind mentioned in clause 835.213 of the person who satisfies the primary criteria, approved by the Minister:
  - (a) is in force; and
  - (b) includes sponsorship of the applicant.
- (2) Subclause (1) does not apply if paragraph 835.311(1)(b) applies to the applicant.

## 59 Clause 835.321 of Schedule 2

Repeal the clause, substitute:

### 835.321

- (1) The applicant meets the requirements of subclause (2), (3), (4) or (5).
- (2) The applicant meets the requirements of this subclause if the applicant:
  - (a) is the member of the family unit of a person (the *primary applicant*) who holds a Subclass 835 visa granted on the basis of satisfying the primary criteria for the grant of the visa; and
  - (b) made a combined application with the primary applicant.
- (3) The applicant meets the requirements of this subclause if:
  - (a) at the time of the application, the applicant was the spouse or de facto partner of a person (the *primary applicant*) seeking to satisfy

- the primary criteria for the grant of a Subclass 835 visa, and the primary applicant has since been granted that visa; and
- (b) the relationship between the primary applicant and the applicant has ceased; and
  - (c) one or more of the following has experienced family violence committed by the primary applicant:
    - (i) the applicant;
    - (ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
    - (iii) a dependent child of the applicant or of the primary applicant; and
  - (d) the applicant entered Australia after the applicant's visa application was made.
- (4) The applicant meets the requirements of this subclause if:
- (a) at the time of the application, the applicant was the spouse or de facto partner of a person (the *primary applicant*) seeking to satisfy the primary criteria for the grant of a Subclass 835 visa; and
  - (b) the relationship between the primary applicant and the applicant has ceased; and
  - (c) one or more of the following has experienced family violence committed by the primary applicant:
    - (i) the applicant;
    - (ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
    - (iii) a dependent child of the applicant or of the primary applicant; and
  - (d) the Minister has decided to refuse to grant the primary applicant the visa for reasons including that the primary applicant had engaged in conduct involving family violence (whether or not the family violence was against a person mentioned in paragraph (c)).
- (5) The applicant meets the requirements of this subclause if:
- (a) the applicant is a member of the family unit of a person (the *secondary applicant*) who meets the requirements of subclause (3) or (4); and
  - (b) the applicant has made a combined application with the secondary applicant or the primary applicant mentioned in subclause (3) or (4) (whichever applies to the secondary applicant); and
  - (c) a Subclass 835 visa has since been granted to the secondary applicant.

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

## 60 Clause 835.325 of Schedule 2

Repeal the clause, substitute:

### 835.325

- (1) The applicant is sponsored:
  - (a) by an Australian relative for the applicant, an Australian relative for the primary applicant mentioned in subclause 835.321(2), (3) or (4) or an Australian relative for an applicant who meets the requirements of subclause 835.321(3) or (4), if the relative:
    - (i) has turned 18; and

- (ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; and
  - (iii) is usually resident in Australia; or
- (b) by the spouse or de facto partner of the relative, if the spouse or de facto partner:
  - (i) has turned 18; and
  - (ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; and
  - (iii) is usually resident in Australia; and
  - (iv) cohabits with the Australian relative.

(2) The sponsorship is approved by the Minister and is in force.

### 835.326

- (1) This clause applies if the applicant (the *secondary applicant*) meets the requirements of subclause 835.321(3) or (4).
- (2) Each member of the family unit of the secondary applicant who is an applicant for a Subclass 835 visa satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4009, 4010 and 4020.
- (3) Each member of the family unit of the secondary applicant who is an applicant for a Subclass 835 visa and who has turned 18 at the time of application satisfies public interest criterion 4019.
- (4) Public interest criteria 4015 and 4016 are satisfied in relation to each member of the family unit of the secondary applicant who is an applicant for a Subclass 835 visa and who has not turned 18 at the time of decision.
- (5) Each member of the family unit of the secondary applicant who is not an applicant for a Subclass 835 visa:
  - (a) satisfies public interest criteria 4001, 4002, 4003 and 4004; and
  - (b) satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the member to undergo assessment in relation to that criterion.

### 61 Clause 836.224 of Schedule 2

Repeal the clause, substitute:

### 836.224

- (1) Each person who is covered by subclause (2), (3) or (4):
  - (a) satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4009, 4010 and 4020; and
  - (b) if the person had turned 18 at the time of application—satisfies public interest criterion 4019.
- (2) This subclause covers a person:
  - (a) who is a member of the family unit of the applicant (the *primary applicant*); and
  - (b) who is also an applicant for a Subclass 836 visa.
- (3) 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 836 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.

- (4) 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 836 visa; and
  - (c) the person is a member of the family unit of a person covered by subclause (3).

#### **836.224A**

- (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 836 visa;
 satisfies public interest criteria 4001, 4002, 4003 and 4004, and satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.
- (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 836.224(3) or (4); and
  - (c) who is not an applicant for a Subclass 836 visa;
 satisfies public interest criteria 4001, 4002, 4003 and 4004, and satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.

#### **62 Paragraph 836.225(a) of Schedule 2**

Omit “member of the family unit of the applicant”, substitute “person covered by subclause 836.224(2), (3) or (4)”.

#### **63 Division 836.3 of Schedule 2 (note to heading)**

Repeal the note, substitute:

Note: These criteria are for applicants seeking to satisfy the secondary criteria.

#### **64 Clauses 836.311 and 836.312 of Schedule 2**

Repeal the clauses, substitute:

### 836.311

- (1) The applicant:
  - (a) is a member of the family unit of a person (the *primary applicant*) who:
    - (i) has applied for an Other Family (Residence) (Class BU) visa; and
    - (ii) on the basis of the information provided in the application, appears to satisfy the criteria in Subdivision 836.21;  
and the Minister has not decided to grant or refuse to grant the visa to that other person; or
  - (b) is a member of the family unit of a person covered by subclause (2).
- (2) This subclause covers a person (the *relevant person*) if:
  - (a) the relevant person was, at the time of the relevant person's application for the visa, the spouse or de facto partner of the primary applicant; and
  - (b) the relevant person made a combined application with the primary applicant; and
  - (c) the relationship between the relevant person and the primary applicant has ceased; and
  - (d) 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 or the primary applicant;
    - (iii) a dependent child of the relevant person or primary applicant.

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

### 836.312

- (1) The sponsorship mentioned in clause 836.213 of the person who satisfies the primary criteria includes sponsorship of the applicant.
- (2) Subclause (1) does not apply if paragraph 836.311(1)(b) applies to the applicant.

## 65 Clause 836.321 of Schedule 2

Repeal the clause, substitute:

### 836.321

- (1) The applicant meets the requirements of subclause (2), (3), (4) or (5).
- (2) The applicant meets the requirements of this subclause if the applicant:
  - (a) is the member of the family unit of a person (the *primary applicant*) who holds a Subclass 836 visa granted on the basis of satisfying the primary criteria for the grant of the visa; and
  - (b) made a combined application with the primary applicant.
- (3) The applicant meets the requirements of this subclause if:
  - (a) at the time of the application, the applicant was the spouse or de facto partner of a person (the *primary applicant*) seeking to satisfy the primary criteria for the grant of a Subclass 836 visa, and the primary applicant has since been granted that visa; and

- (b) the relationship between the primary applicant and the applicant has ceased; and
  - (c) one or more of the following has experienced family violence committed by the primary applicant:
    - (i) the applicant;
    - (ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
    - (iii) a dependent child of the applicant or of the primary applicant; and
  - (d) the applicant:
    - (i) was in Australia at the time the applicant's visa application was made; or
    - (ii) entered Australia after the applicant's visa application was made.
- (4) The applicant meets the requirements of this subclause if:
- (a) at the time of the application, the applicant was the spouse or de facto partner of a person (the *primary applicant*) seeking to satisfy the primary criteria for the grant of a Subclass 836 visa; and
  - (b) the relationship between the primary applicant and the applicant has ceased; and
  - (c) one or more of the following has experienced family violence committed by the primary applicant:
    - (i) the applicant;
    - (ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
    - (iii) a dependent child of the applicant or of the primary applicant; and
  - (d) the Minister has decided to refuse to grant the primary applicant the visa for reasons including that the primary applicant had engaged in conduct involving family violence (whether or not the family violence was against a person mentioned in paragraph (c)).
- (5) The applicant meets the requirements of this subclause if:
- (a) the applicant is a member of the family unit of a person (the *secondary applicant*) who meets the requirements of subclause (3) or (4); and
  - (b) the applicant has made a combined application with the secondary applicant or the primary applicant mentioned in subclause (3) or (4) (whichever applies to the secondary applicant); and
  - (c) a Subclass 836 visa has since been granted to the secondary applicant.

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

## 66 Clause 836.325 of Schedule 2

Repeal the clause, substitute:

### 836.325

- (1) The applicant is sponsored:
  - (a) by an Australian relative for the applicant, an Australian relative for the primary applicant mentioned in subclause 836.321(2), (3) or (4) or an Australian relative for an applicant who meets the requirements of subclause 836.321(3) or (4), if the relative:
    - (i) has turned 18; and

- (ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; and
- (iii) is usually resident in Australia; or
- (b) by the spouse or de facto partner of the relative, if the spouse or de facto partner:
  - (i) has turned 18; and
  - (ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; and
  - (iii) is usually resident in Australia; and
  - (iv) cohabits with the Australian relative.

(2) The sponsorship is approved by the Minister and is in force.

### **836.326**

- (1) This clause applies if the applicant (the *secondary applicant*) meets the requirements of subclause 836.321(3) or (4).
- (2) Each member of the family unit of the secondary applicant who is an applicant for a Subclass 836 visa satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4009, 4010 and 4020.
- (3) Each member of the family unit of the secondary applicant who is an applicant for a Subclass 836 visa and who has turned 18 at the time of application satisfies public interest criterion 4019.
- (4) Public interest criteria 4015 and 4016 are satisfied in relation to each member of the family unit of the secondary applicant who is an applicant for a Subclass 836 visa and who has not turned 18 at the time of decision.
- (5) Each member of the family unit of the secondary applicant who is not an applicant for a Subclass 836 visa:
  - (a) satisfies public interest criteria 4001, 4002, 4003 and 4004; and
  - (b) satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the member to undergo assessment in relation to that criterion.

### **67 Clause 864.224A of Schedule 2**

Repeal the clause, substitute:

#### **864.224A**

- (1) Each person who is covered by subclause (2), (3) or (4) must satisfy public interest criteria 4020.
- (2) This subclause covers a person:
  - (a) who is a member of the family unit of the applicant (the *primary applicant*); and
  - (b) who is also an applicant for a Subclass 864 visa.
- (3) 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 864 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.

- (4) 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 864 visa; and
  - (c) the person is a member of the family unit of a person covered by subclause (3).

## 68 Clauses 864.227 and 864.228 of Schedule 2

Repeal the clauses, substitute:

### 864.227

- (1) If the applicant (the *primary applicant*) was not the holder of a Subclass 884 (Contributory Aged Parent (Temporary)) visa at the time of application, each person covered by subclause (2), (3) or (4):
  - (a) must satisfy the public interest criteria mentioned in the item in the table that relates to the primary applicant; and
  - (b) if the person has previously been in Australia—must satisfy the special return criteria mentioned in the item in the table that relates to the primary applicant.

Item	If the primary applicant ...	the public interest criteria to be satisfied by the person covered by subclause (2), (3) or (4) are ...	and if the person has previously been in Australia, the special return criteria are ...
1	was not the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003, 4004, 4005, 4009 and 4010; and (b) if the person had turned 18 at the time of application—4019	5001, 5002 and 5010
2	was the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003, 4009 and 4010; and (b) either: (i) 4007; or (ii) if the person has previously held a Subclass 884 visa, such health checks as the Minister considers appropriate; and (c) if the person had turned 18 at the time of application—4019	5001, 5002 and 5010

- (2) This subclause covers a person:

- (a) who is a member of the family unit of the primary applicant; and
- (b) who is also an applicant for a Subclass 864 visa.

- (3) 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 864 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.

- (4) 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 864 visa; and
  - (c) the person is a member of the family unit of a person covered by subclause (3).

## 864.228

- (1) If the applicant (the *primary applicant*) was not the holder of a Subclass 884 (Contributory Aged Parent (Temporary)) visa at the time of application, each person covered by subclause (2) or (3) must satisfy the public interest criteria mentioned in the item in the table that relates to the primary applicant.

Item	If the primary applicant was ...	the public interest criteria to be satisfied by the person covered by subclause (2) or (3) are ...
1	not the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003 and 4004; and (b) 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment for that criterion
2	the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002 and 4003; and (b) 4007, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment for that criterion

- (2) This subclause covers a person:
- (a) who is a member of the family unit of the applicant; and
  - (b) who is not an applicant for a Subclass 864 visa.
- (3) This subclause covers a person:
- (a) who was, at the time of 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) who is a member of the family unit of a person covered by subclause 864.227(3) or (4); and

(c) who is not an applicant for a Subclass 864 visa.

## **69 Paragraph 864.229(a) of Schedule 2**

Omit “member of the family unit of the applicant”, substitute “person covered by subclause 864.227(2), (3) or (4)”.

## **70 Clause 864.311 of Schedule 2**

Repeal the clause, substitute:

### **864.311**

- (1) One of the following applies:
  - (a) the applicant is a member of the family unit of, and made a combined application with, a person (the *primary applicant*) who satisfies the primary criteria in Subdivision 864.21;
  - (b) both of the following apply:
    - (i) the applicant is a member of the family unit of a person (the *other applicant*) who:
      - (A) has applied for a Contributory Aged Parent (Residence) (Class DG) visa; and
      - (B) on the basis of the information provided in their application, appears to satisfy the primary criteria in Subdivision 864.21;
    - (ii) the Minister has not decided to grant or refuse to grant the visa to the other applicant;
  - (c) the applicant is a member of the family unit of a person covered by subclause (2).
- (2) This subclause covers a person (the *relevant person*) if:
  - (a) the relevant person was, at the time of the relevant person’s application for the visa, the spouse or de facto partner of the primary applicant; and
  - (b) the relevant person made a combined application with the primary applicant; and
  - (c) the relationship between the relevant person and the primary applicant has ceased; and
  - (d) 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 or the primary applicant;
    - (iii) a dependent child of the relevant person or primary applicant.

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

## **71 Clause 864.312 of Schedule 2**

Before “One of the following”, insert “(1)”.

## **72 At the end of clause 864.312 of Schedule 2**

Add:

- (2) Subclause (1) does not apply if paragraph 864.311(1)(c) applies to the applicant.

## 73 Clause 864.321 of Schedule 2

Repeal the clause, substitute:

### 864.321

- (1) The applicant meets the requirements of subclause (2), (3), (4) or (5).
- (2) The applicant meets the requirements of this subclause if the applicant:
  - (a) is a member of the family unit of a person (the *primary applicant*) who holds a Subclass 864 visa granted on the basis of satisfying the primary criteria for the grant of the visa; and
  - (b) made a combined application with the primary applicant.
- (3) The applicant meets the requirements of this subclause if:
  - (a) at the time of the application, the applicant was the spouse or de facto partner of a person (the *primary applicant*) seeking to satisfy the primary criteria for the grant of a Subclass 864 visa, and the primary applicant has since been granted that visa; and
  - (b) the relationship between the primary applicant and the applicant has ceased; and
  - (c) one or more of the following has experienced family violence committed by the primary applicant:
    - (i) the applicant;
    - (ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
    - (iii) a dependent child of the applicant or of the primary applicant; and
  - (d) the applicant:
    - (i) was in Australia at the time the applicant's visa application was made; or
    - (ii) entered Australia after the applicant's visa application was made.
- (4) The applicant meets the requirements of this subclause if:
  - (a) at the time of the application, the applicant was the spouse or de facto partner of a person (the *primary applicant*) seeking to satisfy the primary criteria for the grant of a Subclass 864 visa; and
  - (b) the relationship between the primary applicant and the applicant has ceased; and
  - (c) one or more of the following has experienced family violence committed by the primary applicant:
    - (i) the applicant;
    - (ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
    - (iii) a dependent child of the applicant or of the primary applicant; and
  - (d) the Minister has decided to refuse to grant the primary applicant the visa for reasons including that the primary applicant had engaged in conduct involving family violence (whether or not the family violence was against a person mentioned in paragraph (c)).
- (5) The applicant meets the requirements of this subclause if:
  - (a) the applicant is a member of the family unit of a person (the *secondary applicant*) who meets the requirements of subclause (3) or (4); and

- (b) the applicant has made a combined application with the secondary applicant or the primary applicant mentioned in subclause (3) or (4) (whichever applies to the secondary applicant); and
- (c) a Subclass 864 visa has since been granted to the secondary applicant.

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

#### **74 Clause 864.322 of Schedule 2**

Before “One of”, insert “(1)”.

#### **75 After paragraph 864.322(a) of Schedule 2**

Insert:

- (aa) the applicant is sponsored in accordance with subclause (2) and the sponsorship has been approved by the Minister and is in force;

#### **76 Paragraph 864.322(c) of Schedule 2**

Omit “864.312(c)”, substitute “864.312(1)(c)”.

#### **77 At the end of clause 864.322 of Schedule 2**

Add:

- (2) The applicant is sponsored:
  - (a) by a child of the primary applicant mentioned in subclause 864.321(2), (3) or (4), if the child:
    - (i) has turned 18; and
    - (ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; or
  - (b) by the child’s cohabiting spouse or de facto partner, if the spouse or de facto partner:
    - (i) has turned 18; and
    - (ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; or
  - (c) if the child or child’s cohabiting spouse or de facto partner has not turned 18—by a relative or guardian of the child or child’s cohabiting spouse or de facto partner, if the relative or guardian:
    - (i) has turned 18; and
    - (ii) is a settled Australian citizen, a settled Australian permanent resident or a settled eligible New Zealand citizen; or
  - (d) if the child has not turned 18—by a community organisation.

#### **78 Clause 864.324 of Schedule 2 (table, heading to column headed “If the applicant is a member of the family unit of a person who is mentioned in clause 864.321, and the person was ...”)**

Repeal the heading, substitute:

**If the applicant is a person covered by subclause 864.321(2), (3), (4) or (5), and the person was ...**

#### **79 At the end of Subdivision 864.32 of Schedule 2**

Add:

## 864.330

- (1) This clause applies if the applicant (the *secondary applicant*) meets the requirements of subclause 864.321(3) or (4).
- (2) Each member of the family unit of the secondary applicant who is an applicant for a Subclass 864 visa:
  - (a) must satisfy the public interest criteria mentioned in the item in the table that relates to the secondary applicant; and
  - (b) if the member of the family unit has previously been in Australia—must satisfy the special return criteria mentioned in the item in the table that relates to the secondary applicant.

<b>Item</b>	<b>If the secondary applicant ...</b>	<b>the public interest criteria to be satisfied by the member of the family unit of the secondary applicant are ...</b>	<b>and if the member of the family unit of the secondary applicant has previously been in Australia, the special return criteria are ...</b>
1	was not the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003, 4004, 4005, 4009 and 4010; and (b) if the member of the family unit had turned 18 at the time of application—4019	5001, 5002 and 5010
2	was the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003, 4009 and 4010; and (b) either: (i) 4007; or (ii) if the member of the family unit has previously held a Subclass 884 visa—such health checks as the Minister considers appropriate; and (c) if the member of the family unit had turned 18 at the time of application—4019	5001, 5002 and 5010

- (3) Public interest criteria 4015 and 4016 are satisfied in relation to each member of the family unit of the secondary applicant who is an applicant for a Subclass 864 visa and who has not turned 18 at the time of decision.
- (4) Each member of the family unit of the secondary applicant who is not an applicant for a Subclass 864 visa must satisfy the public interest criteria mentioned in the item in the table that relates to the secondary applicant.

<b>Item</b>	<b>If the secondary applicant ...</b>	<b>the public interest criteria to be satisfied by the member of the family unit of the secondary applicant are ...</b>
1	was not the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002, 4003 and 4004; and (b) 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment for that criterion

Item	If the secondary applicant ...	the public interest criteria to be satisfied by the member of the family unit of the secondary applicant are ...
2	was the holder of a substituted Subclass 600 visa at the time of application	(a) 4001, 4002 and 4003; and (b) 4007, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment for that criterion

## 80 Clause 888.211 of Schedule 2

Repeal the clause, substitute:

### 888.211

- (1) The following persons must not have a history of involvement in business or investment activities that are of a nature that is not generally acceptable in Australia:
  - (a) the applicant (the *primary applicant*);
  - (b) the primary applicant's spouse or de facto partner;
  - (c) the person covered by subclause (2).
- (2) This subclause covers a person if:
  - (a) at the time of application, the person was the spouse or de facto partner of the primary applicant; and
  - (b) the relationship between the primary applicant and the person has ceased; and
  - (c) one or more of the following has experienced family violence committed by the primary applicant:
    - (i) the person;
    - (ii) a member of the family unit of the person who has made a combined application with the person or with the primary applicant;
    - (iii) a dependent child of the person or of the primary applicant.

## 81 Clauses 888.214 and 888.215 of Schedule 2

Repeal the clauses, substitute:

### 888.214

- (1) The following persons must have a satisfactory record of compliance with the laws of the Commonwealth, and of each State or Territory in which the applicant (the *primary applicant*) operates a business and employs employees in the business, relating to the primary applicant's business:
  - (a) the primary applicant;
  - (b) the primary applicant's spouse or de facto partner;
  - (c) the person covered by subclause (2).

Note: Those laws include laws relating to taxation, superannuation and workplace relations.

- (2) This subclause covers a person if:
  - (a) at the time of application, the person was the spouse or de facto partner of the primary applicant; and
  - (b) the relationship between the primary applicant and the person has ceased; and

- (c) the Minister is satisfied that one or more of the following has experienced family violence committed by the primary applicant:
  - (i) the person;
  - (ii) a member of the family unit of the person who has made a combined application with the person or with the primary applicant;
  - (iii) a dependent child of the person or of the primary applicant.

## 888.215

- (1) The applicant (the *primary applicant*) satisfies public interest criteria 4001, 4002, 4003, 4004, 4007, 4010, 4020 and 4021.
- (2) If the primary applicant has turned 18 at the time of application, the primary applicant satisfies public interest criterion 4019.
- (3) Each person who is covered by subclause (4), (5) or (6) satisfies public interest criteria 4001, 4002, 4003, 4004, 4007, 4010 and 4020.
- (4) 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 888 visa.
- (5) 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 888 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.

- (6) 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 888 visa; and
  - (c) the person is a member of the family unit of a person covered by subclause (5).
- (7) Each person:
  - (a) who either:
    - (i) is a member of the family unit of the primary applicant and also an applicant for a Subclass 888 visa; or
    - (ii) is covered by subclause (5) or (6); and
  - (b) who had turned 18 at the time of the primary applicant's application; satisfies public interest criterion 4019.
- (8) If a person:
  - (a) either:

- (i) is a member of the family unit of the primary applicant and also an applicant for a Subclass 888 visa; or
  - (ii) is covered by subclause (5) or (6); and
- (b) has not turned 18;
- public interest criteria 4015 and 4016 are satisfied in relation to the person.

### **888.215A**

- (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 888 visa;satisfies public interest criteria 4001, 4002, 4003 and 4004, and satisfies public interest criterion 4007, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.
- (2) Each person:
  - (a) who was, at the time of the applicant’s 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 who is covered by subclause 888.215(5) or (6); and
  - (c) who is not an applicant for a Subclass 888 visa;satisfies public interest criteria 4001, 4002, 4003 and 4004, and satisfies public interest criterion 4007, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.

### **82 Subclause 888.216(2) of Schedule 2**

Omit “member of the family unit of the applicant”, substitute “person covered by subclause 888.215(4), (5) or (6)”.

### **83 Division 888.3 of Schedule 2 (note to heading)**

Repeal the note, substitute:

Note: These criteria are for applicants seeking to satisfy the secondary criteria. All criteria must be satisfied at the time a decision is made on the application.

### **84 Clause 888.311 of Schedule 2**

Repeal the clause, substitute:

#### **888.311**

- (1) The applicant meets the requirements of subclause (2), (3), (4), (5) or (6).
- (2) The applicant meets the requirements of this subclause if the applicant:
  - (a) is the member of the family unit of a person (the *primary applicant*) who holds a Subclass 888 visa granted on the basis of satisfying the primary criteria for the grant of the visa; and
  - (b) made a combined application with the primary applicant.
- (3) The applicant meets the requirements of this subclause if:

- (a) at the time of the application, the applicant was the spouse or de facto partner of a person (the **primary applicant**) seeking to satisfy the primary criteria for the grant of a Subclass 888 visa, and the primary applicant has since been granted that visa; and
  - (b) the relationship between the primary applicant and the applicant has ceased; and
  - (c) one or more of the following has experienced family violence committed by the primary applicant:
    - (i) the applicant;
    - (ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
    - (iii) a dependent child of the applicant or of the primary applicant; and
  - (d) the applicant:
    - (i) was in Australia at the time the applicant's visa application was made; or
    - (ii) entered Australia after the applicant's visa application was made.
- (4) The applicant meets the requirements of this subclause if:
- (a) at the time of the application, the applicant was the spouse or de facto partner of a person (the **primary applicant**) seeking to satisfy the primary criteria for the grant of a Subclass 888 visa; and
  - (b) the relationship between the primary applicant and the applicant has ceased; and
  - (c) one or more of the following has experienced family violence committed by the primary applicant:
    - (i) the applicant;
    - (ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
    - (iii) a dependent child of the applicant or of the primary applicant; and
  - (d) the applicant:
    - (i) was in Australia at the time the applicant's visa application was made; or
    - (ii) entered Australia after the applicant's visa application was made; and
  - (e) the Minister has decided to refuse to grant the primary applicant the visa for reasons including that the primary applicant had engaged in conduct involving family violence (whether or not the family violence was against a person mentioned in paragraph (c)).
- (5) The applicant meets the requirements of this subclause if:
- (a) at the time of the application, the applicant was the spouse or de facto partner of a person (the **primary applicant**) seeking to satisfy the primary criteria for the grant of a Subclass 888 visa; and
  - (b) the relationship between the primary applicant and the applicant has ceased; and
  - (c) one or more of the following has experienced family violence committed by the primary applicant:
    - (i) the applicant;
    - (ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
    - (iii) a dependent child of the applicant or of the primary applicant; and

- (d) the applicant:
    - (i) was in Australia at the time the applicant's visa application was made; or
    - (ii) entered Australia after the applicant's visa application was made; and
  - (e) the Minister has decided to refuse to grant the primary applicant the visa for reasons that the primary applicant does not meet the requirements of clause 888.225, 888.232 or 888.242; and
  - (f) the primary applicant would have met the requirements of the clause had the relationship between the primary applicant and the applicant not ceased.
- (6) The applicant meets the requirements of this subclause if:
- (a) the applicant is a member of the family unit of a person (the *secondary applicant*) who meets the requirements of subclause (3), (4) or (5); and
  - (b) the applicant has made a combined application with the secondary applicant or the primary applicant mentioned in subclause (3), (4) or (5) (whichever applies to the secondary applicant); and
  - (c) a Subclass 888 visa has since been granted to the secondary applicant.

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

## **85 At the end of Division 888.3 of Schedule 2**

Add:

### **888.314**

- (1) This clause applies if the applicant (the *secondary applicant*) meets the requirements of subclause 888.311(3), (4) or (5).
- (2) Each member of the family unit of the secondary applicant who is an applicant for a Subclass 888 visa satisfies:
  - (a) public interest criteria 4001, 4002, 4003, 4004, 4007, 4010 and 4020; and
  - (b) special return criteria 5001, 5002 and 5010.
- (3) Each member of the family unit of the secondary applicant who is an applicant for a Subclass 888 visa and who has turned 18 at the time of application satisfies public interest criterion 4019.
- (4) Public interest criteria 4015 and 4016 are satisfied in relation to each member of the family unit of the secondary applicant who is an applicant for a Subclass 888 visa and who has not turned 18 at the time of decision.
- (5) Each member of the family unit of the secondary applicant who is not an applicant for a Subclass 888 visa:
  - (a) satisfies public interest criteria 4001, 4002, 4003 and 4004; and
  - (b) satisfies public interest criterion 4007, unless the Minister is satisfied that it would be unreasonable to require the member to undergo assessment in relation to that criterion.

## **Part 2—Other amendments**

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

#### **86 Subclause 858.328(2) of Schedule 2**

Omit “Each”, substitute “Unless the secondary applicant was, at the time of application, the spouse or de facto partner of a primary applicant who met the requirements of subclause 858.212(4), each”.

#### **87 Subclause 858.328(5) of Schedule 2**

Omit “time of application”, substitute “time of decision”.

## Part 3—Application of amendments and family violence provisions to repealed Subclass 132

### *Migration Regulations 1994*

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

Insert:

## Part 147—Amendments made by the Migration Amendment (Family Violence Provisions and Other Measures) Regulations 2024 and application of family violence provisions to repealed Subclass 132

### 14701 Operation of amendments

The amendments of these Regulations made by Parts 1 and 2 of Schedule 1 to the *Migration Amendment (Family Violence Provisions and Other Measures) Regulations 2024* apply in relation to an application for a visa:

- (a) made, but not finally determined, before 17 December 2024; or
- (b) made on or after 17 December 2024.

### 14702 Application of family violence provisions to repealed Subclass 132 (Business Talent) visa

- (1) This clause applies in relation to an application for a Subclass 132 (Business Talent) visa made but not finally determined before 17 December 2024.

Note: The Subclass 132 (Business Talent) visa was repealed on 1 July 2021 by Schedule 1 to the *Home Affairs Legislation Amendment (2021 Measures No. 1) Regulations 2021*.

- (2) For the purposes of determining the second instalment of the visa application charge that applies in relation to the application on or after 17 December 2024, apply paragraph 1104AA(2)(b) of Schedule 1 (as in force immediately before 1 July 2021) as if the table in that paragraph had been replaced with the following table:

Second instalment		
Item	Applicant	Amount
1	Applicant who: (a) was at least 18 at the time of application; and (b) is assessed as not having functional English; and (c) satisfies the primary criteria for the grant of a Subclass 132 (Business Talent) visa	\$9 795
2	Applicant who: (a) was at least 18 at the time of application; and (b) is assessed as not having functional English; and (c) satisfies the secondary criteria for the grant of a Subclass 132 (Business Talent) visa; and (d) is an applicant to whom item 3 does not apply	\$4 890

<b>Second instalment</b>		
<b>Item</b>	<b>Applicant</b>	<b>Amount</b>
3	Applicant who meets the requirements of subclause 132.311(3), (4) or (5) of Schedule 2	Nil
4	Any other applicant	Nil

- (3) For the purposes of determining the application on or after 17 December 2024, apply clauses 132.211, 132.213 and 132.214 of Schedule 2 as if those clauses (as in force immediately before 1 July 2021) had been replaced with the following:

**“132.211**

- (1) The following persons must not have a history of involvement in business or investment activities that are of a nature that is not generally acceptable in Australia:
- (a) the applicant (the *primary applicant*);
  - (b) the primary applicant’s spouse or de facto partner;
  - (c) the person covered by subclause (2).
- (2) This subclause covers a person if:
- (a) at the time of application, the person was the spouse or de facto partner of the primary applicant; and
  - (b) the relationship between the primary applicant and the person has ceased; and
  - (c) one or more of the following has experienced family violence committed by the primary applicant:
    - (i) the person;
    - (ii) a member of the family unit of the person who has made a combined application with the person or with the primary applicant;
    - (iii) a dependent child of the person or of the primary applicant.”

**“132.213**

- (1) The applicant (the *primary applicant*) satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4010, 4020 and 4021.
- (2) If the primary applicant has turned 18 at the time of application, the primary applicant satisfies public interest criterion 4019.
- (3) Each person who is covered by subclause (4), (5) or (6) satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4010 and 4020.
- (4) 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 132 visa.
- (5) 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 132 visa; and
  - (c) the Minister is satisfied that:
    - (i) the relevant person; or

- (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; or
- (iii) a dependent child of the relevant person or of the primary applicant; has experienced family violence committed by the primary applicant.

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

- (6) 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 132 visa; and
  - (c) the person is a member of the family unit of a person covered by subclause (5).
- (7) Each person:
  - (a) who either:
    - (i) is a member of the family unit of the primary applicant and also an applicant for a Subclass 132 visa; or
    - (ii) is covered by subclause (5) or (6); and
  - (b) who had turned 18 at the time of the primary applicant's application; satisfies public interest criterion 4019.
- (8) If a person:
  - (a) either:
    - (i) is a member of the family unit of the primary applicant and also an applicant for a Subclass 132 visa; or
    - (ii) is covered by subclause (5) or (6); and
  - (b) has not turned 18;public interest criteria 4015 and 4016 are satisfied in relation to the person.
- (9) Each person:
  - (a) who is a member of the family unit of the primary applicant; and
  - (b) who is not an applicant for a Subclass 132 visa;satisfies public interest criteria 4001, 4002, 4003 and 4004, and satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.
- (10) Each person:
  - (a) who 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) who is a member of the family unit of a person who is covered by subclause (5); and
  - (c) who is not an applicant for a Subclass 132 visa;satisfies public interest criteria 4001, 4002, 4003 and 4004, and satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion."

## “132.214

- (1) The applicant satisfies special return criteria 5001, 5002 and 5010.
- (2) Each person covered by subclause 132.213(4), (5) or (6) satisfies special return criteria 5001, 5002 and 5010.”
- (4) For the purposes of determining the application on or after 17 December 2024, apply Division 132.3 of Schedule 2 as if that Division (as in force immediately before 1 July 2021) had been replaced with the following:

## Division 132.3—Secondary criteria

Note: These criteria are for applicants seeking to satisfy the secondary criteria. All criteria must be satisfied at the time a decision is made on the application.

## 132.311

- (1) The applicant meets the requirements of subclause (2), (3), (4), (5) or (6).
- (2) The applicant:
  - (a) is a member of the family unit of a person who holds a Subclass 132 visa granted on the basis of satisfying the primary criteria for the grant of the visa; and
  - (b) made a combined application with that person.
- (3) The applicant meets the requirements of this subclause if:
  - (a) at the time of the application, the applicant was the spouse or de facto partner of a person (the *primary applicant*) seeking to satisfy the primary criteria for the grant of a Subclass 132 visa, and the primary applicant has since been granted that visa; and
  - (b) the relationship between the primary applicant and the applicant has ceased; and
  - (c) one or more of the following has experienced family violence committed by the primary applicant:
    - (i) the applicant;
    - (ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
    - (iii) a dependent child of the applicant or of the primary applicant; and
  - (d) the applicant:
    - (i) was in Australia at the time the applicant’s visa application was made; or
    - (ii) entered Australia after the applicant’s visa application was made.
- (4) The applicant meets the requirements of this subclause if:
  - (a) at the time of the application, the applicant was the spouse or de facto partner of a person (the *primary applicant*) seeking to satisfy the primary criteria for the grant of a Subclass 132 visa; and
  - (b) the relationship between the primary applicant and the applicant has ceased; and
  - (c) one or more of the following has experienced family violence committed by the primary applicant:
    - (i) the applicant;

- (ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
- (iii) a dependent child of the applicant or of the primary applicant; and
- (d) the applicant:
  - (i) was in Australia at the time the applicant's visa application was made; or
  - (ii) entered Australia after the applicant's visa application was made; and
- (e) the Minister has decided to refuse to grant the primary applicant the visa for reasons including that the primary applicant had engaged in conduct involving family violence (whether or not the family violence was against a person mentioned in paragraph (c)).

(5) The applicant meets the requirements of this subclause if:

- (a) at the time of the application, the applicant was the spouse or de facto partner of a person (the **primary applicant**) seeking to satisfy the primary criteria for the grant of a Subclass 132 visa; and
- (b) the relationship between the primary applicant and the applicant has ceased; and
- (c) one or more of the following has experienced family violence committed by the primary applicant:
  - (i) the applicant;
  - (ii) a member of the family unit of the applicant who has made a combined application with the applicant or with the primary applicant;
  - (iii) a dependent child of the applicant or of the primary applicant; and
- (d) the applicant:
  - (i) was in Australia at the time the applicant's visa application was made; or
  - (ii) entered Australia after the applicant's visa application was made; and
- (e) the Minister has decided to refuse to grant the primary applicant the visa for reasons that the primary applicant does not meet the requirements of clause 132.224 or 132.226; and
- (f) the primary applicant would have met the requirements of the clause had the relationship between the primary applicant and the applicant not ceased.

(6) The applicant meets the requirements of this subclause if:

- (a) the applicant is a member of the family unit of a person (the **secondary applicant**) who meets the requirements of subclause (3), (4) or (5); and
- (b) the applicant has made a combined application with the secondary applicant or the primary applicant mentioned in subclause (3), (4) or (5) (whichever applies to the secondary applicant); and
- (c) a Subclass 132 visa has since been granted to the secondary applicant.

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

## 132.312

- (1) The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4010, 4020 and 4021.
- (2) If the applicant had turned 18 at the time of application, the applicant satisfies public interest criterion 4019.

- (3) If the applicant has not turned 18, the applicant satisfies public interest criteria 4017 and 4018.

### **132.313**

The applicant satisfies special return criteria 5001, 5002 and 5010.

### **132.314**

- (1) This clause applies if the applicant (the *secondary applicant*) meets the requirements of subclause 132.311(3), (4) or (5).
- (2) Each member of the family unit of the secondary applicant who is an applicant for a Subclass 132 visa satisfies:
  - (a) public interest criteria 4001, 4002, 4003, 4004, 4005, 4010 and 4020; and
  - (b) special return criteria 5001, 5002 and 5010.
- (3) Each member of the family unit of the secondary applicant who is an applicant for a Subclass 132 visa and who has turned 18 at the time of application satisfies public interest criterion 4019.
- (4) Public interest criteria 4015 and 4016 are satisfied in relation to each member of the family unit of the secondary applicant who is an applicant for a Subclass 132 visa and who has not turned 18 at the time of decision.
- (5) Each member of the family unit of the secondary applicant who is not an applicant for a Subclass 132 visa:
  - (a) satisfies public interest criteria 4001, 4002, 4003 and 4004; and
  - (b) satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the member to undergo assessment in relation to that criterion.

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