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Statutory Rules 1996 No. L¹

76/

Migration Regulations² (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Migration Act 1958*.

Dated L 1996.

29 May/

L WILLIAM DEANE/
 Governor-General

By His Excellency's Command,

L PHILIP RUDDOCK/
 Minister for Immigration and Multicultural Affairs

1. Commencement

1.1 These Regulations commence on 1 August 1996.

2. Amendment

2.1 The Migration Regulations are amended as set out in these Regulations.

3. Regulation 1.08 (Compelling need to work)**3.1 Subparagraph 1.08 (c) (i):**

Omit the subparagraph, substitute:

“(i) is:

- (A) an applicant for a Business (Temporary) (Class TB) visa; or
- (B) an applicant for an Educational (Temporary) (Class TH) visa who appears to the Minister, on the basis of information contained in the application, to satisfy the criteria for the grant of a Subclass 418 visa; or
- (C) an applicant for a Medical Practitioner (Temporary) (Class UE) visa; or
- (D) an applicant for a Temporary Business Entry (Class UC) visa who seeks a visa to remain in Australia (whether or not also a visa to travel to and enter Australia) for a period, or periods, of 3 months or more; and”.

4. New Division 1.4A

4.1 After Division 1.4, insert:

“Division 1.4A—Temporary business entry: sponsorship and nomination

Object of this Division

“1.20A. The object of this Division is to provide for:

- (a) applications for approval as a business sponsor; and
- (b) nominations by business sponsors of activities to be undertaken in Australia by prospective holders of Subclass 457 (Business (Long Stay)) visas; and
- (c) approval of those applications and nominations; and
- (d) revocation of approvals as a business sponsor.

Interpretation

“1.20B. In this Division:

‘key activity’, in relation to a person (in this definition called **‘the employer’**) who proposes to provide employment in Australia to an individual, means an activity that:

- (a) is essential to the business operations of the employer;
and
- (b) requires:
 - (i) specialist or professional skills; or
 - (ii) specialised knowledge of the business operations of the employer;

‘labour market testing’, in relation to a position, means testing of the Australian labour market to demonstrate that a suitably qualified Australian citizen or Australian permanent resident is not readily available to fill the position;

‘person’ includes an unincorporated body of persons;

‘pre-qualified business sponsor’ means a person approved as a pre-qualified business sponsor in accordance with regulation 1.20D;

‘standard business sponsor’ means a person approved as a standard business sponsor in accordance with regulation 1.20D.

Applications for approval as business sponsors

“1.20C. (1) A person may apply to the Minister for approval as:

- (a) a pre-qualified business sponsor; or
- (b) a standard business sponsor.

[NOTE: In relation to the effect of approval as a pre-qualified business sponsor and a standard business sponsor, see:

- subregulations 1.20D (5) and (6); and
- subclauses 457.223 (4) and (5) of Schedule 2.]

“(2) Application must be made in accordance with approved form 1067.

“(3) An application for approval as a pre-qualified business sponsor must be accompanied by a fee of \$3,000.

Approval as business sponsors

“1.20D. (1) Subject to this regulation, the Minister may, by instrument in writing, approve or reject an application for approval as a pre-qualified business sponsor or as a standard business sponsor.

“(2) The Minister must approve an application for approval as a pre-qualified business sponsor, or as a standard business sponsor, made in accordance with regulation 1.20C if:

(a) the Minister is satisfied that the applicant for approval is lawfully operating in Australia a business in which the employment of the holder of a Subclass 457 (Business (Long Stay)) visa would contribute to:

- (i) the creation or maintenance of employment for Australian citizens or Australian permanent residents; or
- (ii) expansion of Australian trade in goods or services; or
- (iii) the improvement of Australian business links with international markets; or
- (iv) competitiveness within sectors of the Australian economy; and

(b) in respect of each visa applicant who seeks to satisfy the primary criteria for a Subclass 457 visa to be granted on the basis that:

- (i) the applicant for approval is the employer referred to in subclause 457.223 (4) or (5) of Schedule 2 in relation to the visa application; and
- (ii) the visa applicant satisfies the requirements of that subclause;

the Minister is satisfied that:

- (iii) the applicant for approval proposes to be the direct employer in Australia of the visa applicant as the holder of the visa (in this subregulation called ‘**the visa holder**’); or
- (iv) if the applicant for approval is a body corporate—the applicant for approval is, under section 50 of the Corporations Law, related to the body corporate that proposes to be the direct employer in Australia of the visa holder; and

- (c) the Minister is satisfied that the applicant for approval:
 - (i) will introduce to, or utilise or create in, Australia new or improved technology or business skills; or
 - (ii) has a satisfactory record of, or a demonstrated commitment towards, training Australian citizens and Australian permanent residents in the business operations of the applicant in Australia; and
- (d) the Minister is satisfied that nothing adverse is known to Immigration about the business background of the applicant for approval; and
- (e) the Minister is satisfied that where relevant, the applicant for approval has a satisfactory record of compliance with the immigration laws of Australia; and
- (f) the Minister is satisfied that while there is in effect a Subclass 457 visa granted on the basis that:
 - (i) the applicant for approval is the employer referred to in subclause 457.223 (4) or (5) of Schedule 2 in relation to a visa application; and
 - (ii) the visa holder satisfies the requirements of that subclause;the applicant for approval is able, in relation to each visa holder, to comply with the undertakings given by the applicant in accordance with form 1067.

“(3) An instrument approving a person as a standard business sponsor must specify the maximum number of nominations of business activities, being a number not exceeding the number proposed in the application for approval, that may be approved under regulation 1.20H in relation to the standard business sponsor while the approval is in effect.

“(4) As soon as practicable after deciding an application for approval as a pre-qualified business sponsor, or as a standard business sponsor, the Minister must provide the applicant with:

- (a) a copy of the instrument approving or rejecting the application; and
- (b) if the application is rejected, a statement of the reasons why the application was not approved.

“(5) Unless renewed under regulation 1.20E, approval of a person as a pre-qualified business sponsor ceases to have effect:

- (a) at the end of the period of 24 months commencing on the day on which the approval is given; or
- (b) on revocation of the approval under regulation 1.20F;

whichever happens first.

“(6) Approval of a person as a standard business sponsor ceases to have effect:

- (a) when the number of Subclass 457 visas granted, since the giving of the approval, on the basis that:
 - (i) the applicant satisfies the primary criteria; and
 - (ii) the standard business sponsor is the employer (within the meaning of subclause 457.223 (4) or (5) of Schedule 2;

is equal to the number of nominations of business activities determined under subregulation (3) in relation to that approval of that standard business sponsor; or

- (b) at the end of the period of 12 months commencing on the day on which the approval is given; or
- (c) on revocation of the approval under regulation 1.20F;

whichever happens first.

Renewal of approvals as pre-qualified business sponsors

“1.20E. (1) Subject to this regulation, the Minister may, by instrument in writing, renew or refuse to renew the approval of a person as a pre-qualified business sponsor for a period of 12 months after the expiry of the current period of approval.

“(2) Subject to subregulation (3), the Minister must renew the approval of a person as a pre-qualified business sponsor:

- (a) in relation to the period of 12 months following the period of 24 months mentioned in subregulation 1.20D (5)—on payment by the person, before the end of the 24-month period, of a fee of \$1,000; and
- (b) in relation to:
 - (i) the period of 12 months following the period to which a fee paid under paragraph (a) relates; or

(ii) a succeeding period of 12 months;
on payment by the person, before the end of each 12-month period, of a fee of \$1,000.

“(3) The Minister must not renew the approval of a person as a pre-qualified business sponsor unless the Minister is satisfied that the person:

- (a) has complied with the undertakings given by the person in accordance with approved form 1067 in the period preceding the period to which the renewal relates; and
- (b) continues to satisfy the requirements for approval as a pre-qualified business sponsor.

“(4) As soon as practicable after the Minister makes a decision to renew, or refuse to renew, the approval of a person as a pre-qualified business sponsor, the Minister must provide the person with:

- (a) a copy of the instrument renewing, or refusing to renew, the approval; and
- (b) if the Minister refuses to renew the approval, the reasons for the refusal.

Revocation of approval as business sponsor

“1.20F. (1) Without limiting the power of the Minister to revoke the approval of a person as a pre-qualified business sponsor, or as a standard business sponsor, the Minister may, in particular, by instrument in writing, revoke such an approval if the Minister is satisfied that the person:

- (a) has not complied, or is not complying, with the undertakings given by the person in accordance with approved form 1067; or
- (b) does not continue to satisfy the requirements for approval as a pre-qualified business sponsor or standard business sponsor.

“(2) As soon as practicable after revoking the approval of a person as a pre-qualified business sponsor, or as a standard business sponsor, the Minister must provide the person with:

- (a) a copy of the instrument revoking the approval; and
- (b) a statement of the reasons for the revocation.

Nomination of business activities

“1.20G. (1) A person who:

- (a) is a party to a labour agreement; or
- (b) is a pre-qualified business sponsor; or
- (c) is a standard business sponsor; or
- (d) does not operate a business in Australia but:
 - (i) has given undertakings in accordance with approved form 1067; and
 - (ii) is a person whom the Minister is satisfied (apart from not operating a business in Australia) would, on application, be likely to be approved as a standard business sponsor;

may nominate to the Minister an activity in which an individual is proposed to be employed by the person in Australia.

“(2) A nomination must be made in accordance with approved form 1068.

“(3) A nomination, except a nomination by a party to a labour agreement or a pre-qualified business sponsor, must be accompanied by a fee of \$205.

“(4) If a person (except a party to a labour agreement) who nominates an activity that is not a key activity proposes to employ a visa applicant in a position to perform the activity, the nomination must be accompanied:

- (a) in the case of proposed employment for a period of more than 3, but not more than 12, months—by the results of labour market testing in relation to the position, where so required by the Minister; and
- (b) in the case of proposed employment for a period of more than 12 months—by the results of labour market testing in relation to the position.

Approval of nominations of business activities

“1.20H. (1) Subject to this regulation, the Minister may, by instrument in writing, approve, or refuse to approve, the nomination of an activity in which an individual is proposed to be employed in Australia.

“(2) Subject to subregulation (3), the Minister must approve the nomination of an activity made in accordance with regulation 1.20G.

“(3) The Minister must not approve the nomination of an activity that is accompanied by the results of labour market testing unless the Minister is satisfied that those results indicate that a suitably qualified Australian citizen or Australian permanent resident is not readily available to fill the position to which the nominated activity relates.

“(4) As soon as practicable after making a decision to approve, or to refuse to approve, the nomination of an activity, the Minister must provide the person who nominated the activity with:

- (a) a copy of the instrument approving, or refusing to approve, the nomination of the activity; and
- (b) if the nomination is not approved, a statement of the reasons why the nomination was not approved.

“(5) The nomination of an activity ceases to have effect:

- (a) at the end of the period of 12 months commencing on the day on which the nomination of the activity is approved; or
- (b) when the position in which the nominated activity is to be performed by the holder of a Subclass 457 visa is filled; or
- (c) in the case of an activity nominated by a person who is a party to a labour agreement—when that agreement ceases to have effect; or
- (d) in the case of an activity nominated by a person who is approved as a pre-qualified business sponsor or a standard business sponsor—when the approval ceases to have effect; or
- (e) in the case of an activity nominated by a person to whom paragraph 1.20G (1) (d) refers—either:
 - (i) upon the Minister becoming satisfied that the person is not able to comply with undertakings given by the person in accordance with approved form 1067; or

- (ii) upon the Minister ceasing to be satisfied that the person (apart from not operating a business in Australia) would, on application, be likely to be approved as a standard business sponsor;

whichever happens first.

Exercise of Minister's powers under this Division

“1.20I. In addition to being exercisable by the Minister personally or by a delegate of the Minister, the powers and functions of the Minister under this Division are exercisable by a person who:

- (a) is the holder of an office under the Act; and
- (b) is authorised in writing by the Minister to exercise those powers;

and, when any of those powers or functions is exercised by such a person, that power or function is taken, for the purposes of these Regulations, to have been exercised by the Minister.”.

5. Regulation 2.07AA (Applications for certain visitor visas)

5.1 Omit “visit”, substitute “enter”.

6. Regulation 2.10 (Where application must be made)

6.1 Subparagraph 2.10 (1) (a) (ii):

Omit the subparagraph, substitute:

“(ii) if the application is:

- (A) an application for a Long Stay (Visitor) (Class TN), Medical Treatment (Visitor) (Class UB), Short Stay (Visitor) (Class TR) or Student (Temporary) (Class TU) visa; or
- (B) an application for a Temporary Business Entry (Class UC) visa made by an applicant who seeks a visa to remain in Australia (whether or not also a visa to travel to and enter Australia) for a period, or periods, of 3 months or less—

at an office of a visa application agency that is approved in writing by the Minister for the purpose of receiving applications of that kind; or”.

7. Regulation 2.15 (Response to invitation to give information or comments—prescribed periods)**7.1 Subparagraph 2.15 (1) (b) (ii):**

Omit the subparagraph, substitute:

- “(ii) if the invitation is given otherwise than at an interview:
 - (A) in the case of an application for a Long Stay (Visitor) (Class TN), Medical Treatment (Visitor) (Class UB) or Short Stay (Visitor) (Class TR) visa—7 days after the applicant is notified of the invitation; or
 - (B) in the case of an application for a Temporary Business Entry (Class UC) visa made by an applicant who seeks a visa to remain in Australia (whether or not also a visa to travel to and enter Australia) for a period, or periods, of 3 months or less—7 days after the applicant is notified of the invitation; or
 - (C) in any other case—28 days after the applicant is notified of the invitation; or”.

7.2 Paragraph 2.15 (3) (b):

Omit the paragraph, substitute:

- “(b) in the case of an application made by an applicant who is in Australia, other than a person referred to in paragraph (a):
 - (i) in the case of an application for a Long Stay (Visitor) (Class TN), Medical Treatment (Visitor) (Class UB) or Short Stay (Visitor) (Class TR) visa—7 days after the applicant is notified of the invitation; or
 - (ii) in the case of an application for a Temporary Business Entry (Class UC) visa made by an applicant who seeks a visa to remain in Australia (whether or not also a visa to travel to and enter Australia) for a period, or periods, of 3 months or less—7 days after the applicant is notified of the invitation; or
 - (iii) in any other case—28 days after the applicant is notified of the invitation; or”.

8. Regulation 4.08 (Response to invitation to give information or comments on internal review of decision—prescribed periods)**8.1 Subparagraph 4.08 (1) (a) (i):**

Omit the subparagraph, substitute:

“(i) in the case of a review application regarding a decision concerning:

(A) a Long Stay (Visitor) (Class TN), Medical Treatment (Visitor) (Class UB), Short Stay (Visitor) (Class TR) visa; or

(B) a Temporary Business Entry (Class UC) visa in relation to which the applicant seeks a visa to remain in Australia (whether or not also a visa to travel to and enter Australia) for a period, or periods, of 3 months or less—

7 days after the applicant is given the invitation; or”.

8.2 Subparagraph 4.08 (3) (a) (i):

Omit the subparagraph, substitute:

“(i) in the case of a review application regarding a decision concerning:

(A) a Long Stay (Visitor) (Class TN), Medical Treatment (Visitor) (Class UB), Short Stay (Visitor) (Class TR) visa; or

(B) a Temporary Business Entry (Class UC) visa in relation to which the applicant seeks a visa to remain in Australia (whether or not also a visa to travel to and enter Australia) for a period, or periods, of 3 months or less—

7 days after the applicant is given the invitation; or”.

9. Schedule 1 (Classes of visas)

9.1 Item 1202:

Omit the item.

9.2 Paragraph 1205 (2) (a):

Omit the paragraph, substitute:

“(a) If the application is made outside Australia and the applicant:

(i) appears to the Minister, on the basis of information contained in the application, to satisfy the requirements for a Subclass 411 (Exchange) visa; or

(ii) satisfies the requirements of paragraph (b) or (c):

Nil.”.

9.3 Paragraph 1205 (2) (b):

Omit “sub-item”, substitute “paragraph”.

9.4 Sub-subparagraph 1205 (2) (b) (ii) (F):

Omit “clause”, substitute “sub-subparagraph”.

9.5 Paragraph 1205 (2) (c):

Omit all the words before subparagraph (c) (i), substitute:

“(c) An applicant satisfies the requirements of this paragraph if the application is made on the basis of the applicant having been:”.

9.6 Subitem 1205 (4):

Omit “414 (Specialist (overseas))”, substitute “411 (Exchange)”.

9.7 Subitem 1207 (4):

Omit the subitem, substitute:

“(4) Subclasses: 426 (Domestic Worker (Temporary)—
Diplomatic or Consular)
427 (Domestic Worker (Temporary)—
Executive)”.

9.8 After item 1214, insert:

“1214AA. Medical Practitioner (Temporary) (Class UE)

“(1) Form: 147

“(2) Fee: \$145

“(3) Other: (a) Application may be made in or outside Australia, but not in immigration clearance.
(b) Applicant must be in Australia to make an application in Australia.
(c) Application by a person claiming to be a member of the family unit of a person may be made at the same time and place as, and combined with, an application by any other member of the family unit seeking to satisfy either the primary or secondary criteria.

“(4) Subclasses: 422 (Medical Practitioner)”.

9.9 Subitem 1222 (4):

Omit the subitem, substitute:

“(4) Subclasses: 560 (Student)
562 (Iranian Postgraduate Student)
563 (Iranian Postgraduate Student Dependant)”.

9.10 Item 1223A:

Omit the item, substitute:

“1223A. Temporary Business Entry (Class UC)

“(1) Form: (a) If the applicant seeks a visa that will permit the applicant to remain in Australia (whether or not also a visa to travel to and enter Australia) for a period, or periods, of 3 months or less:
(i) if the application is made on the applicant’s behalf by an approved nominator within the meaning of clause 456.111 of Schedule 2: 1034.
(ii) in any other case: 456.

- “(2) Fee:
- (b) If the applicant seeks a visa that will permit the applicant to remain in Australia (whether or not also a visa to travel to and enter Australia) for a period, or periods, of more than 3 months: 1066.
 - (a) Subject to paragraphs (b), (c) and (d), if the applicant seeks a visa that will permit the applicant to remain in Australia (whether or not also a visa to travel to and enter Australia) for a period, or periods, of 3 months or less:
 - (i) Applicant outside Australia (whether or not the application is made outside Australia):
 - (A) if the applicant seeks a visa to be in effect for more than 1 entry or for a period of more than 1 month: \$35.
 - (B) if the applicant seeks a visa to be in effect for 1 entry only and for a period of 1 month or less: Nil.
 - (ii) Applicant in Australia: \$145.
 - (b) Subject to paragraphs (c) and (d), if the application is made on the applicant’s behalf by an approved nominator within the meaning of clause 456.111 of Schedule 2: \$35.
 - (c) The Minister may waive the fee in relation to an application to which paragraph (a) or (b) applies that is made by a non-citizen applying as a representative of a foreign government.
 - (d) If it appears to the Minister, on the basis of an application to which paragraph (a) or (b) applies, that the applicant is:
 - (i) a person:

- (A) to whom privileges and immunities are, or are expected to be, accorded under the *International Organizations (Privileges and Immunities) Act 1963* or the *Overseas Missions (Privileges and Immunities) Act 1995*; and
- (B) who is expected to be recommended by the Foreign Minister for the grant of a visa; or
- (ii) the spouse, or a dependent child, of a person mentioned in subparagraph (i):
 - Nil.
- (e) Subject to paragraph (f), if the applicant seeks a visa that will permit the applicant to remain in Australia (whether or not also a visa to travel to and enter Australia) for a period, or periods, of more than 3 months: \$145.
- (f) If it appears to the Minister, on the basis of an application to which paragraph (e) applies, that the applicant is:
 - (i) a person:
 - (A) to whom privileges and immunities are, or are expected to be, accorded under the *International Organizations (Privileges and Immunities) Act 1963* or the *Overseas Missions (Privileges and Immunities) Act 1995*; and

- (B) who is expected to be recommended by the Foreign Minister for the grant of a visa; or
- (ii) a member of the family unit of a person mentioned in subparagraph (i):

Nil.

“(3) Other:

- (a) Application (except an application by an approved nominator, within the meaning of clause 456.111 of Schedule 2, on an applicant’s behalf) may be made in or outside Australia, but not in immigration clearance.
- (b) If the applicant seeks a visa that will permit the applicant to remain in Australia (whether or not also a visa to travel to and enter Australia) for a period, or periods, of 3 months or less:
 - (i) Application may be made on the applicant’s behalf by an approved nominator.
 - (ii) Application by an approved nominator on behalf of the applicant must be made in Australia.
 - (iii) Application may be made on the applicant’s behalf by an approved nominator only if the applicant is outside Australia at the time of application.
 - (iv) If the applicant is outside Australia, the application may be made in Australia only if:
 - (A) no fee is payable on the application; or
 - (B) the application is made on the applicant’s behalf by an approved nominator.

(v) Application by a person claiming to be a spouse or dependent child of an applicant may be made at the same time and place as, and combined with, the application of that person.

(c) If:

- (i) the applicant seeks a visa that will permit the applicant to remain in Australia (whether or not also a visa to travel to and enter Australia) for a period, or periods, of more than 3 months; and
- (ii) the applicant claims to be a member of the family unit of a person;

application may be made at the same time and place as, and combined with, an application by any other member of the family unit seeking to satisfy either the primary or secondary criteria.

“(4) Subclasses: 456 (Business (Short Stay))
457 (Business (Long Stay)).”

10. Schedule 2, Part 303 (Emergency)

10.1 Heading:

Omit the heading, substitute:

“SUBCLASS 303—EMERGENCY (TEMPORARY VISA APPLICANT)”.

10.2 Paragraph 303.212 (a):

Omit the paragraph, substitute:

“(a) is:

- (i) an applicant for a visa of one of the following classes:
 - (A) Business (Temporary) (Class TB);
 - (B) Cultural/Social (Temporary) (Class TE);
 - (C) Domestic Worker (Temporary) (Class TG);
 - (D) Educational (Temporary) (Class TH);
 - (E) Expatriate (Temporary) (Class TJ);

- (F) Family Relationship (Temporary) (Class TL);
- (G) Interdependency (Temporary) (Class TM);
- (H) Medical Practitioner (Temporary) (Class UE);
- (I) Retirement (Temporary) (Class TQ);
- (J) Student (Temporary) (Class TU);
- (K) Supported Dependent (Temporary) (Class TW);
- (L) Working Holiday (Temporary) (Class TZ); or
- (ii) an applicant for a Temporary Business Entry (Class UC) visa who seeks a visa to remain in Australia (whether or not also a visa to travel to and enter Australia) for a period, or periods, of more than 3 months; and”.

11. Schedule 2, Part 410 (Retirement)

11.1 Paragraphs 410.211 (2) (a) and (b):

Omit the paragraphs, substitute:

“(a) the holder of:

- (i) a visa of one of the following classes:
 - (A) Business (Temporary) (Class TB);
 - (B) Cultural/Social (Temporary) (Class TE);
 - (C) Educational (Temporary) (Class TH);
 - (D) Expatriate (Temporary) (Class TJ);
 - (E) Family Relationship (Temporary) (Class TL);
 - (F) Interdependency (Temporary) (Class TM);
 - (G) Medical Practitioner (Temporary) (Class UE);
 - (H) Retirement (Temporary) (Class TQ);
 - (I) Supported Dependent (Temporary) (Class TW);
 - (J) Working Holiday (Temporary) (Class TZ); or
 - (ii) a visa of one of the following subclasses:
 - (A) Subclass 303 (Emergency (Temporary Visa Applicant));
 - (B) Subclass 427 (Domestic Worker (Temporary)—Executive);
 - (C) Subclass 457 (Business (Long Stay)); or
- (b) the holder of:
- (i) a visa of one of the following classes:
 - (A) Border (Temporary) (Class TA);
 - (B) Electronic Travel Authority (Class UD);
 - (C) Long Stay (Visitor) (Class TN);
 - (D) Short Stay (Visitor) (Class TR);

- (E) Student (Temporary) (Class TU); or
- (ii) a Subclass 456 (Business (Short Stay)) visa; or”.

12. Schedule 2, Part 411 (Exchange)

12.1 Paragraphs 411.211 (a) and (b):

Omit the paragraphs, substitute:

- “(a) the holder of:
 - (i) a visa of one of the following classes:
 - (A) Business (Temporary) (Class TB);
 - (B) Cultural/Social (Temporary) (Class TE);
 - (C) Educational (Temporary) (Class TH);
 - (D) Expatriate (Temporary) (Class TJ);
 - (E) Family Relationship (Temporary) (Class TL);
 - (F) Interdependency (Temporary) (Class TM);
 - (G) Medical Practitioner (Temporary) (Class UE);
 - (H) Retirement (Temporary) (Class TQ);
 - (I) Supported Dependent (Temporary) (Class TW);
 - (J) Working Holiday (Temporary) (Class TZ); or
 - (ii) a visa of one of the following subclasses:
 - (A) Subclass 303 (Emergency (Temporary Visa Applicant));
 - (B) Subclass 427 (Domestic Worker (Temporary)—Executive);
 - (C) Subclass 457 (Business (Long Stay)); or
- (b) the holder of:
 - (i) a visa of one of the following classes:
 - (A) Border (Temporary) (Class TA);
 - (B) Electronic Travel Authority (Class UD);
 - (C) Long Stay (Visitor) (Class TN);
 - (D) Short Stay (Visitor) (Class TR);
 - (E) Student (Temporary) (Class TU); or
 - (ii) a Subclass 456 (Business (Short Stay)) visa; or”.

13. Schedule 2, Part 412 (Independent Executive)

13.1 Omit the Part.

14. Schedule 2, Part 413 (Executive)

14.1 Omit the Part.

15. Schedule 2, Part 414 (Specialist)

15.1 Omit the Part.

16. Schedule 2, Part 415 (Foreign Government Agency)

16.1 Paragraphs 415.211 (a) and (b):

Omit the paragraphs, substitute:

“(a) the holder of:

(i) a visa of one of the following classes:

- (A) Business (Temporary) (Class TB);
- (B) Cultural/Social (Temporary) (Class TE);
- (C) Educational (Temporary) (Class TH);
- (D) Expatriate (Temporary) (Class TJ);
- (E) Family Relationship (Temporary) (Class TL);
- (F) Interdependency (Temporary) (Class TM);
- (G) Medical Practitioner (Temporary) (Class UE);
- (H) Retirement (Temporary) (Class TQ);
- (I) Supported Dependent (Temporary) (Class TW);
- (J) Working Holiday (Temporary) (Class TZ); or

(ii) a visa of one of the following subclasses:

- (A) Subclass 303 (Emergency (Temporary Visa Applicant));
- (B) Subclass 427 (Domestic Worker (Temporary)—Executive);
- (C) Subclass 457 (Business (Long Stay)); or

(b) the holder of:

(i) a visa of one of the following classes:

- (A) Border (Temporary) (Class TA);
- (B) Electronic Travel Authority (Class UD);
- (C) Long Stay (Visitor) (Class TN);
- (D) Short Stay (Visitor) (Class TR); or

(ii) a Subclass 456 (Business (Short Stay)) visa; or”.

16.2 Paragraph 415.229 (1) (a):

Omit the paragraph, substitute:

- “(a) the applicant was, at the time of application:
- (i) the holder of a visa of one of the following classes:
 - (A) Border (Temporary) (Class TA);
 - (B) Business (Temporary) (Class TB);
 - (C) Cultural/Social (Temporary) (Class TE);
 - (D) Educational (Temporary) (Class TH);
 - (E) Expatriate (Temporary) (Class TJ);
 - (F) Family Relationship (Temporary) (Class TL);
 - (G) Interdependency (Temporary) (Class TM);
 - (H) Medical Practitioner (Temporary) (Class UE);
 - (I) Retirement (Temporary) (Class TQ);
 - (J) Supported Dependent (Temporary) (Class TW); or
 - (ii) the holder of a visa of one of the following subclasses:
 - (A) Subclass 303 (Emergency (Temporary Visa Applicant));
 - (B) Subclass 427 (Domestic Worker (Temporary)—Executive); or
 - (iii) the holder of a Confirmatory (Temporary) (Class TD) visa granted on the grounds that the applicant satisfied the criteria for a visa specified in subparagraph (i) or (ii); and”.

17. Schedule 2, Part 416 (Special Program)

17.1 Paragraphs 416.211 (a) and (b):

Omit the paragraphs, substitute:

- “(a) the holder of:
- (i) a visa of one of the following classes:
 - (A) Business (Temporary) (Class TB);
 - (B) Cultural/Social (Temporary) (Class TE);
 - (C) Educational (Temporary) (Class TH);
 - (D) Expatriate (Temporary) (Class TJ);
 - (E) Family Relationship (Temporary) (Class TL);
 - (F) Interdependency (Temporary) (Class TM);
 - (G) Medical Practitioner (Temporary) (Class UE);
 - (H) Retirement (Temporary) (Class TQ);
 - (I) Supported Dependent (Temporary) (Class TW);
 - (J) Working Holiday (Temporary) (Class TZ); or

- (ii) a visa of one of the following subclasses:
 - (A) Subclass 303 (Emergency (Temporary Visa Applicant));
 - (B) Subclass 427 (Domestic Worker (Temporary)—Executive);
 - (C) Subclass 457 (Business (Long Stay)); or
- (b) the holder of:
 - (i) a visa of one of the following classes:
 - (A) Border (Temporary) (Class TA);
 - (B) Electronic Travel Authority (Class UD);
 - (C) Long Stay (Visitor) (Class TN);
 - (D) Short Stay (Visitor) (Class TR); or
 - (ii) a Subclass 456 (Business (Short Stay)) visa; or”.

18. Schedule 2, Part 418 (Educational)

18.1 Paragraphs 418.211 (a) and (b):

Omit the paragraphs, substitute:

- “(a) the holder of:
 - (i) a visa of one of the following classes:
 - (A) Business (Temporary) (Class TB);
 - (B) Cultural/Social (Temporary) (Class TE);
 - (C) Educational (Temporary) (Class TH);
 - (D) Expatriate (Temporary) (Class TJ);
 - (E) Family Relationship (Temporary) (Class TL);
 - (F) Interdependency (Temporary) (Class TM);
 - (G) Medical Practitioner (Temporary) (Class UE);
 - (H) Retirement (Temporary) (Class TQ);
 - (I) Supported Dependent (Temporary) (Class TW);
 - (J) Working Holiday (Temporary) (Class TZ); or
 - (ii) a visa of one of the following subclasses:
 - (A) Subclass 303 (Emergency (Temporary Visa Applicant));
 - (B) Subclass 427 (Domestic Worker (Temporary)—Executive);
 - (C) Subclass 457 (Business (Long Stay)); or
- (b) the holder of:
 - (i) a visa of one of the following classes:
 - (A) Border (Temporary) (Class TA);
 - (B) Electronic Travel Authority (Class UD);
 - (C) Long Stay (Visitor) (Class TN);
 - (D) Short Stay (Visitor) (Class TR);

- (E) Student (Temporary) (Class TU); or
- (ii) a Subclass 456 (Business (Short Stay)) visa; or”.

18.2 Paragraph 418.230 (a):

Omit the paragraph, substitute:

“(a) the applicant was, at the time of application, the holder of:

- (i) a visa of one of the following classes:
 - (A) Border (Temporary) (Class TA);
 - (B) Business (Temporary) (Class TB);
 - (C) Cultural/Social (Temporary) (Class TE);
 - (D) Educational (Temporary) (Class TH);
 - (E) Expatriate (Temporary) (Class TJ);
 - (F) Family Relationship (Temporary) (Class TL);
 - (G) Interdependency (Temporary) (Class TM);
 - (H) Medical Practitioner (Temporary) (Class UE);
 - (I) Retirement (Temporary) (Class TQ);
 - (J) Supported Dependent (Temporary) (Class TW); or
- (ii) a visa of one of the following subclasses:
 - (A) Subclass 303 (Emergency (Temporary Visa Applicant));
 - (B) Subclass 457 (Business (Long Stay)); or
- (iii) a Confirmatory (Temporary) (Class TD) visa granted on the grounds that the applicant satisfied the criteria for a visa specified in subparagraph (i) or (ii); and”.

18.3 Clause 418.231:

Omit all the words before paragraph (a), substitute:

“418.231 If the application is made in the migration zone and, at the time of application, the applicant was the holder of an Electronic Travel Authority (Class UD), Long Stay (Visitor) (Class TN), Short Stay (Visitor) (Class TR), Working Holiday (Temporary) (Class TZ) or Subclass 456 (Business (Short Stay)) visa:”.

19. Schedule 2, Part 419 (Visiting Academic)

19.1 Paragraphs 419.211 (a) and (b):

Omit the paragraphs, substitute:

- “(a) the holder of:
 - (i) a visa of one of the following classes:
 - (A) Business (Temporary) (Class TB);

- (B) Cultural/Social (Temporary) (Class TE);
- (C) Educational (Temporary) (Class TH);
- (D) Expatriate (Temporary) (Class TJ);
- (E) Family Relationship (Temporary) (Class TL);
- (F) Interdependency (Temporary) (Class TM);
- (G) Medical Practitioner (Temporary) (Class UE);
- (H) Retirement (Temporary) (Class TQ);
- (I) Supported Dependent (Temporary) (Class TW);
- (J) Working Holiday (Temporary) (Class TZ); or
- (ii) a visa of one of the following subclasses:
 - (A) Subclass 303 (Emergency (Temporary Visa Applicant));
 - (B) Subclass 427 (Domestic Worker (Temporary)—Executive);
 - (C) Subclass 457 (Business (Long Stay)); or
- (b) the holder of:
 - (i) a visa of one of the following classes:
 - (A) Border (Temporary) (Class TA);
 - (B) Electronic Travel Authority (Class UD);
 - (C) Long Stay (Visitor) (Class TN);
 - (D) Short Stay (Visitor) (Class TR); or
 - (ii) a Subclass 456 (Business (Short Stay)) visa; or”.

20. Schedule 2, Part 420 (Entertainment)

20.1 Paragraphs 420.211 (a) and (b):

Omit the paragraphs, substitute:

- “(a) the holder of:
- (i) a visa of one of the following classes:
 - (A) Business (Temporary) (Class TB);
 - (B) Cultural/Social (Temporary) (Class TE);
 - (C) Educational (Temporary) (Class TH);
 - (D) Expatriate (Temporary) (Class TJ);
 - (E) Family Relationship (Temporary) (Class TL);
 - (F) Interdependency (Temporary) (Class TM);
 - (G) Medical Practitioner (Temporary) (Class UE);
 - (H) Retirement (Temporary) (Class TQ);
 - (I) Supported Dependent (Temporary) (Class TW);
 - (J) Working Holiday (Temporary) (Class TZ); or
 - (ii) a visa of one of the following subclasses:

- (A) Subclass 303 (Emergency (Temporary Visa Applicant));
- (B) Subclass 427 (Domestic Worker (Temporary)—Executive);
- (C) Subclass 457 (Business (Long Stay)); or
- (b) the holder of:
 - (i) a visa of one of the following classes:
 - (A) Border (Temporary) (Class TA);
 - (B) Electronic Travel Authority (Class UD);
 - (C) Long Stay (Visitor) (Class TN);
 - (D) Short Stay (Visitor) (Class TR); or
 - (ii) a Subclass 456 (Business (Short Stay)) visa; or”.

21. Schedule 2, Part 421 (Sport)

21.1 Paragraphs 421.211 (a) and (b):

Omit the paragraphs, substitute:

- “(a) the holder of:
- (i) a visa of one of the following classes:
 - (A) Business (Temporary) (Class TB);
 - (B) Cultural/Social (Temporary) (Class TE);
 - (C) Educational (Temporary) (Class TH);
 - (D) Expatriate (Temporary) (Class TJ);
 - (E) Family Relationship (Temporary) (Class TL);
 - (F) Interdependency (Temporary) (Class TM);
 - (G) Medical Practitioner (Temporary) (Class UE);
 - (H) Retirement (Temporary) (Class TQ);
 - (I) Supported Dependent (Temporary) (Class TW);
 - (J) Working Holiday (Temporary) (Class TZ); or
 - (ii) a visa of one of the following subclasses:
 - (A) Subclass 303 (Emergency (Temporary Visa Applicant));
 - (B) Subclass 427 (Domestic Worker (Temporary)—Executive);
 - (C) Subclass 457 (Business (Long Stay)); or
- (b) the holder of:
- (i) a visa of one of the following classes:
 - (A) Border (Temporary) (Class TA);
 - (B) Electronic Travel Authority (Class UD);
 - (C) Long Stay (Visitor) (Class TN);
 - (D) Short Stay (Visitor) (Class TR); or
 - (ii) a Subclass 456 (Business (Short Stay)) visa; or”.

22. Schedule 2, Part 422 (Medical Practitioner)

22.1 Paragraphs 422.211 (a) and (b):

Omit the paragraphs, substitute:

“(a) the holder of:

(i) a visa of one of the following classes:

- (A) Business (Temporary) (Class TB);
- (B) Cultural/Social (Temporary) (Class TE);
- (C) Educational (Temporary) (Class TH);
- (D) Expatriate (Temporary) (Class TJ);
- (E) Family Relationship (Temporary) (Class TL);
- (F) Interdependency (Temporary) (Class TM);
- (G) Medical Practitioner (Temporary) (Class UE);
- (H) Prospective Marriage (Temporary) (Class TO);
- (I) Retirement (Temporary) (Class TQ);
- (J) Supported Dependent (Temporary) (Class TW);
- (K) Working Holiday (Temporary) (Class TZ); or

(ii) a visa of one of the following subclasses:

- (A) Subclass 427 (Domestic Worker (Temporary)—Executive);
- (B) Subclass 457 (Business (Long Stay)); or

(b) the holder of:

(i) a visa of one of the following classes:

- (A) Border (Temporary) (Class TA);
- (B) Electronic Travel Authority (Class UD);
- (C) Long Stay (Visitor) (Class TN);
- (D) Short Stay (Visitor) (Class TR);
- (E) Student (Temporary) (Class TU); or

(ii) a Subclass 456 (Business (Short Stay)) visa; or”.

22.2 Subclause 422.227 (4):

Omit all the words before paragraph (a), substitute:

- “(4) An applicant meets the requirements of this subclause if:
 (aa) at the time of application, the applicant was the holder of an Electronic Travel Authority (Class UD), Long Stay (Visitor) (Class TN), Short Stay (Visitor) (Class TR), Working Holiday (Temporary) (Class TZ) or Subclass 456 (Business (Short Stay)) visa; and”.

23. Schedule 2, Part 423 (Media and Film Staff)

23.1 Paragraphs 423.211 (a) and (b):

Omit the paragraphs, substitute:

- “(a) the holder of:
- (i) a visa of one of the following classes:
 - (A) Business (Temporary) (Class TB);
 - (B) Cultural/Social (Temporary) (Class TE);
 - (C) Educational (Temporary) (Class TH);
 - (D) Expatriate (Temporary) (Class TJ);
 - (E) Family Relationship (Temporary) (Class TL);
 - (F) Interdependency (Temporary) (Class TM);
 - (G) Medical Practitioner (Temporary) (Class UE);
 - (H) Retirement (Temporary) (Class TQ);
 - (I) Supported Dependent (Temporary) (Class TW);
 - (J) Working Holiday (Temporary) (Class TZ); or
 - (ii) a visa of one of the following subclasses:
 - (A) Subclass 303 (Emergency (Temporary Visa Applicant));
 - (B) Subclass 427 (Domestic Worker (Temporary)—Executive);
 - (C) Subclass 457 (Business (Long Stay)); or
- (b) the holder of:
- (i) a visa of one of the following classes:
 - (A) Border (Temporary) (Class TA);
 - (B) Electronic Travel Authority (Class UD);
 - (C) Long Stay (Visitor) (Class TN);
 - (D) Short Stay (Visitor) (Class TR); or
 - (ii) a Subclass 456 (Business (Short Stay)) visa; or”.

23.2 Paragraph 423.229 (a):

Omit the paragraph, substitute:

- “(a) the applicant was, at the time of application, the holder of:
- (i) a visa of one of the following classes:
 - (A) Border (Temporary) (Class TA);
 - (B) Business (Temporary) (Class TB);
 - (C) Cultural/Social (Temporary) (Class TE);
 - (D) Educational (Temporary) (Class TH);
 - (E) Expatriate (Temporary) (Class TJ);
 - (F) Family Relationship (Temporary) (Class TL);
 - (G) Interdependency (Temporary) (Class TM);
 - (H) Medical Practitioner (Temporary) (Class UE);
 - (I) Retirement (Temporary) (Class TQ);
 - (J) Supported Dependent (Temporary) (Class TW); or
 - (ii) a visa of one of the following subclasses:
 - (A) Subclass 303 (Emergency (Temporary Visa Applicant));
 - (B) Subclass 457 (Business (Long Stay)); or
 - (iii) a Confirmatory (Temporary) (Class TD) visa granted on the grounds that the applicant satisfied the criteria for a visa specified in subparagraph (i) or (ii); and”.

24. Schedule 2, Part 424 (Public Lecturer)

24.1 Paragraphs 424.211 (a) and (b):

Omit the paragraphs, substitute:

- “(a) the holder of:
- (i) a visa of one of the following classes:
 - (A) Business (Temporary) (Class TB);
 - (B) Cultural/Social (Temporary) (Class TE);
 - (C) Educational (Temporary) (Class TH);
 - (D) Expatriate (Temporary) (Class TJ);
 - (E) Family Relationship (Temporary) (Class TL);
 - (F) Interdependency (Temporary) (Class TM);
 - (G) Medical Practitioner (Temporary) (Class UE);
 - (H) Prospective Marriage (Temporary) (Class TO);
 - (I) Retirement (Temporary) (Class TQ);
 - (J) Supported Dependent (Temporary) (Class TW);
 - (K) Working Holiday (Temporary) (Class TZ); or

- (ii) a visa of one of the following subclasses:
 - (A) Subclass 427 (Domestic Worker (Temporary)—Executive);
 - (B) Subclass 457 (Business (Long Stay)); or
- (b) the holder of:
 - (i) a visa of one of the following classes:
 - (A) Border (Temporary) (Class TA);
 - (B) Electronic Travel Authority (Class UD);
 - (C) Long Stay (Visitor) (Class TN);
 - (D) Short Stay (Visitor) (Class TR);
 - (E) Special Tourist (Visitor) (Class TS);
 - (F) Student (Temporary) (Class TU); or
 - (ii) a Subclass 456 (Business (Short Stay)) visa; or”.

24.2 Paragraph 424.229 (a):

Omit the paragraph, substitute:

- “(a) the applicant was, at the time of application, the holder of:
- (i) a visa of one of the following classes:
 - (A) Border (Temporary) (Class TA);
 - (B) Business (Temporary) (Class TB);
 - (C) Cultural/Social (Temporary) (Class TE);
 - (D) Educational (Temporary) (Class TH);
 - (E) Expatriate (Temporary) (Class TJ);
 - (F) Family Relationship (Temporary) (Class TL);
 - (G) Interdependency (Temporary) (Class TM);
 - (H) Medical Practitioner (Temporary) (Class UE);
 - (I) Retirement (Temporary) (Class TQ);
 - (J) Supported Dependent (Temporary) (Class TW);
 - (K) Working Holiday (Temporary) (Class TZ); or
 - (ii) a visa of one of the following subclasses:
 - (A) Subclass 303 (Emergency (Temporary Visa Applicant));
 - (B) Subclass 427 (Domestic Worker (Temporary)—Executive);
 - (C) Subclass 457 (Business (Long Stay)); or
 - (iii) a Confirmatory (Temporary) (Class TD) visa granted on the grounds that the applicant satisfied the criteria for a visa specified in subparagraph (i) or (ii); and”.

25. Schedule 2, Part 425 (Family Relationship)

25.1 Paragraphs 425.211 (a) and (b):

Omit the paragraphs, substitute:

- “(a) the holder of:
- (i) a visa of one of the following classes:
 - (A) Business (Temporary) (Class TB);
 - (B) Cultural/Social (Temporary) (Class TE);
 - (C) Educational (Temporary) (Class TH);
 - (D) Expatriate (Temporary) (Class TJ);
 - (E) Family Relationship (Temporary) (Class TL);
 - (F) Interdependency (Temporary) (Class TM);
 - (G) Medical Practitioner (Temporary) (Class UE);
 - (H) Retirement (Temporary) (Class TQ);
 - (I) Supported Dependent (Temporary) (Class TW);
 - (J) Working Holiday (Temporary) (Class TZ); or
 - (ii) a visa of one of the following subclasses:
 - (A) Subclass 303 (Emergency (Temporary Visa Applicant));
 - (B) Subclass 427 (Domestic Worker (Temporary)—Executive);
 - (C) Subclass 457 (Business (Long Stay)); or
- (b) the holder of:
- (i) a visa of one of the following classes:
 - (A) Border (Temporary) (Class TA);
 - (B) Electronic Travel Authority (Class UD);
 - (C) Long Stay (Visitor) (Class TN);
 - (D) Short Stay (Visitor) (Class TR); or
 - (ii) a Subclass 456 (Business (Short Stay)) visa; or”.

26. Schedule 2, Part 427 (Domestic Worker (Temporary)—Executive)

26.1 Paragraphs 427.211 (a) and (b):

Omit the paragraphs, substitute:

- “(a) the holder of:
- (i) a visa of one of the following classes:
 - (A) Business (Temporary) (Class TB);
 - (B) Cultural/Social (Temporary) (Class TE);
 - (C) Educational (Temporary) (Class TH);
 - (D) Expatriate (Temporary) (Class TJ);
 - (E) Family Relationship (Temporary) (Class TL);
 - (F) Interdependency (Temporary) (Class TM);

- (G) Medical Practitioner (Temporary) (Class UE);
- (H) Retirement (Temporary) (Class TQ);
- (I) Supported Dependent (Temporary) (Class TW);
- (J) Working Holiday (Temporary) (Class TZ); or
- (ii) a visa of one of the following subclasses:
 - (A) Subclass 303 (Emergency (Temporary Visa Applicant));
 - (B) Subclass 427 (Domestic Worker (Temporary)—Executive);
 - (C) Subclass 457 (Business (Long Stay)); or
- (b) the holder of:
 - (i) a visa of one of the following classes:
 - (A) Border (Temporary) (Class TA);
 - (B) Electronic Travel Authority (Class UD);
 - (C) Long Stay (Visitor) (Class TN);
 - (D) Short Stay (Visitor) (Class TR); or
 - (ii) a Subclass 456 (Business (Short Stay)) visa; or”.

26.2 Paragraph 427.222 (b):

Omit the paragraph, substitute:

“(b) is the holder of:

- (i) a Subclass 412 (Independent Executive) visa; or
- (ii) a Subclass 413 (Executive) visa; or
- (iii) a Subclass 457 (Business (Long Stay)) visa granted on the basis of the holder meeting the requirements of subclause 457.223 (6) or (7).”.

27. Schedule 2, Part 428 (Religious Worker)

27.1 Paragraphs 428.211 (a) and (b):

Omit the paragraphs, substitute:

“(a) the holder of:

- (i) a visa of one of the following classes:
 - (A) Business (Temporary) (Class TB);
 - (B) Cultural/Social (Temporary) (Class TE);
 - (C) Educational (Temporary) (Class TH);
 - (D) Expatriate (Temporary) (Class TJ);
 - (E) Family Relationship (Temporary) (Class TL);
 - (F) Interdependency (Temporary) (Class TM);
 - (G) Medical Practitioner (Temporary) (Class UE);
 - (H) Retirement (Temporary) (Class TQ);

- (I) Supported Dependent (Temporary) (Class TW);
- (J) Working Holiday (Temporary) (Class TZ); or
- (ii) a visa of one of the following subclasses:
 - (A) Subclass 303 (Emergency (Temporary Visa Applicant));
 - (B) Subclass 427 (Domestic Worker (Temporary)—Executive);
 - (C) Subclass 457 (Business (Long Stay)); or
- (b) the holder of:
 - (i) a visa of one of the following classes:
 - (A) Border (Temporary) (Class TA);
 - (B) Electronic Travel Authority (Class UD);
 - (C) Long Stay (Visitor) (Class TN);
 - (D) Short Stay (Visitor) (Class TR); or
 - (ii) a Subclass 456 (Business (Short Stay)) visa; or”.

28. Schedule 2, Part 430 (Supported Dependent)

28.1 Paragraphs 430.211 (a) and (b):

Omit the paragraphs, substitute:

- “(a) the holder of:
 - (i) a visa of one of the following classes:
 - (A) Business (Temporary) (Class TB);
 - (B) Cultural/Social (Temporary) (Class TE);
 - (C) Educational (Temporary) (Class TH);
 - (D) Expatriate (Temporary) (Class TJ);
 - (E) Family Relationship (Temporary) (Class TL);
 - (F) Interdependency (Temporary) (Class TM);
 - (G) Medical Practitioner (Temporary) (Class UE);
 - (H) Retirement (Temporary) (Class TQ);
 - (I) Supported Dependent (Temporary) (Class TW);
 - (J) Working Holiday (Temporary) (Class TZ); or
 - (ii) a visa of one of the following subclasses:
 - (A) Subclass 303 (Emergency (Temporary Visa Applicant));
 - (B) Subclass 427 (Domestic Worker (Temporary)—Executive);
 - (C) Subclass 457 (Business (Long Stay)); or
- (b) the holder of:
 - (i) a visa of one of the following classes:
 - (A) Border (Temporary) (Class TA);

- (B) Electronic Travel Authority (Class UD);
- (C) Long Stay (Visitor) (Class TN);
- (D) Short Stay (Visitor) (Class TR); or
- (ii) a Subclass 456 (Business (Short Stay)) visa; or”.

29. Schedule 2, Part 432 (Expatriate (Temporary))

29.1 Paragraphs 432.211 (a) and (b):

Omit the paragraphs, substitute:

“(a) the holder of:

- (i) a visa of one of the following classes:
 - (A) Business (Temporary) (Class TB);
 - (B) Cultural/Social (Temporary) (Class TE);
 - (C) Educational (Temporary) (Class TH);
 - (D) Expatriate (Temporary) (Class TJ);
 - (E) Family Relationship (Temporary) (Class TL);
 - (F) Interdependency (Temporary) (Class TM);
 - (G) Medical Practitioner (Temporary) (Class UE);
 - (H) Retirement (Temporary) (Class TQ);
 - (I) Supported Dependent (Temporary) (Class TW);
 - (J) Working Holiday (Temporary) (Class TZ); or
 - (ii) a visa of one of the following subclasses:
 - (A) Subclass 303 (Emergency (Temporary Visa Applicant));
 - (B) Subclass 427 (Domestic Worker (Temporary)—Executive);
 - (C) Subclass 457 (Business (Long Stay)); or
- (b) the holder of:
- (i) a visa of one of the following classes:
 - (A) Border (Temporary) (Class TA);
 - (B) Electronic Travel Authority (Class UD);
 - (C) Long Stay (Visitor) (Class TN);
 - (D) Short Stay (Visitor) (Class TR); or
 - (ii) a Subclass 456 (Business (Short Stay)) visa; or”.

30. Schedule 2, Part 442 (Occupational Trainee)

30.1 Paragraphs 442.211 (a) and (b):

Omit the paragraphs, substitute:

“(a) the holder of:

- (i) a visa of one of the following classes:
 - (A) Business (Temporary) (Class TB);

- (B) Cultural/Social (Temporary) (Class TE);
- (C) Educational (Temporary) (Class TH);
- (D) Family Relationship (Temporary) (Class TL);
- (E) Interdependency (Temporary) (Class TM);
- (F) Medical Practitioner (Temporary) (Class UE);
- (G) Retirement (Temporary) (Class TQ);
- (H) Supported Dependent (Temporary) (Class TW);
- (I) Working Holiday (Temporary) (Class TZ); or
- (ii) a visa of one of the following subclasses:
 - (A) Subclass 303 (Emergency (Temporary Visa Applicant));
 - (B) Subclass 427 (Domestic Worker (Temporary)—Executive);
 - (C) Subclass 442 (Occupational Trainee);
 - (D) Subclass 457 (Business (Long Stay)); or
- (b) the holder of:
 - (i) a visa of one of the following classes:
 - (A) Border (Temporary) (Class TA);
 - (B) Electronic Travel Authority (Class UD);
 - (C) Long Stay (Visitor) (Class TN);
 - (D) Short Stay (Visitor) (Class TR);
 - (E) Student (Temporary) (Class TU); or
 - (ii) a Subclass 456 (Business (Short Stay)) visa; or”.

31. Schedule 2, Part 456 (Business (Short Stay))

31.1 Clause 456.211:

Omit the clause, substitute:

“456.211 The applicant:

- (a) seeks to enter, or remain in, Australia temporarily for business purposes; and
- (b) proposes in the application to remain in Australia for not more than 3 months on any single occasion; and
- (c) has adequate funds for personal support during the period of his or her stay in Australia on each such occasion.”.

31.2 Clause 456.212:

Omit the clause, substitute:

“456.212 The applicant does not intend to engage in activities that will have adverse consequences for employment or training opportunities, or conditions of employment, for Australian citizens or Australian permanent residents.”.

31.3 Paragraph 456.221 (2) (b):

Omit “visit Australia”, substitute “stay in Australia temporarily for business purposes”.

31.4 Paragraph 456.221 (2) (c):

Omit the paragraph, substitute:

“(c) satisfies :

- (i) public interest criteria 4001, 4002, 4003, 4004, 4011, 4013 and 4014; and
- (ii) except where the applicant is a person to whom subclause (4) applies, public interest criterion 4005; and”.

31.5 Paragraph 456.221 (3) (b):

Omit “visit Australia”, substitute “stay in Australia temporarily for business purposes”.

31.6 Paragraph 456.221 (3) (e):

Omit the paragraph, substitute:

“(e) except where the applicant is a person to whom subclause (4) applies, satisfies public interest criterion 4005.”.

31.7 Clause 456.221:

Add at the end:

“(4) The applicant is a person to whom this subclause applies if:

- (a) privileges and immunities are, or are expected to be, accorded to the applicant under the *International Organizations (Privileges and Immunities) Act 1963* or the *Overseas Missions (Privileges and Immunities) Act 1995*; and
- (b) the Foreign Minister has recommended in writing to the Minister that the applicant should be granted the visa.”.

31.8 Clause 456.311:

Omit the clause, substitute:

“456.311 The applicant is the spouse, or a dependent child, of a person who is an applicant for a Temporary Business Entry (Class UC) visa who seeks a visa to remain in Australia (whether or not also a visa to travel to and enter Australia) for a period, or periods, of 3 months or less”.

31.9 Clause 456.323:

Omit the clause, substitute:

“456.323 The applicant:

- (a) satisfies public interest criteria 4001, 4002, 4003, 4004, 4011, 4013 and 4014; and
- (b) except where the applicant is the spouse, or a dependent child, of a person to whom subclause 456.221 (4) applies—satisfies public interest criterion 4005.”.

31.10 Paragraph 456.511 (b):

Omit the paragraph, substitute:

- “(b) the visa is granted outside Australia, except to:
- (i) a non-citizen who applied as the representative of a foreign government; or
 - (ii) a person to whom subclause 456.221 (4) applies; and”.

31.11 Paragraph 456.512 (a):

Omit the paragraph, substitute:

- “(a) the visa is granted outside Australia to:
- (i) a non-citizen who applied as the representative of a foreign government; or
 - (ii) a person to whom subclause 456.221 (4) applies; or”.

32. Schedule 2, new Part 457

32.1 After Part 456, insert the Part set out in the Schedule.

33. Schedule 2, Part 560 (Student)

33.1 Paragraph 560.212 (1) (a):

Omit the paragraph, substitute:

- “(a) is:
- (i) the holder of a visa of one of the following classes:
 - (A) Border (Temporary) (Class TA);
 - (B) Business (Temporary) (Class TB);
 - (C) Cultural/Social (Temporary) (Class TE);
 - (D) Educational (Temporary) (Class TH);
 - (E) Electronic Travel Authority (Class UD);
 - (F) Expatriate (Temporary) (Class TJ);
 - (G) Family Relationship (Temporary) (Class TL);

- (H) Interdependency (Temporary) (Class TM);
- (I) Long Stay (Visitor) (Class TN);
- (J) Medical Practitioner (Temporary) (Class UE);
- (K) Retirement (Temporary) (Class TQ);
- (L) Short Stay (Visitor) (Class TR);
- (M) Student (Temporary) (Class TU);
- (N) Supported Dependent (Temporary) (Class TW);
- (O) Temporary Business Entry (Class UC);
- (P) Working Holiday (Temporary) (Class TZ); or
- (ii) the holder, as the spouse or a dependent relative of a diplomatic or consular representative of a foreign country, of a Diplomatic (Temporary) (Class TF) visa; or
- (iii) the holder of a special purpose visa; or
- (iv) the holder of a visa of one of the following subclasses:
 - (A) Subclass 303 (Emergency (Temporary Visa Applicant));
 - (B) Subclass 427 (Domestic Worker (Temporary) —Executive); or”.

33.2 Paragraph 560.212 (3) (a):

Omit the paragraph, substitute:

- “(a) the last substantive visa held by the applicant was:
- (i) a visa of one of the following classes:
 - (A) Border (Temporary) (Class TA);
 - (B) Business (Temporary) (Class TB);
 - (C) Cultural/Social (Temporary) (Class TE);
 - (D) Educational (Temporary) (Class TH);
 - (E) Electronic Travel Authority (Class UD);
 - (F) Expatriate (Temporary) (Class TJ);
 - (G) Family Relationship (Temporary) (Class TL);
 - (H) Interdependency (Temporary) (Class TM);
 - (I) Long Stay (Visitor) (Class TN);
 - (J) Medical Practitioner (Temporary) (Class UE);
 - (K) Retirement (Temporary) (Class TQ);
 - (L) Short Stay (Visitor) (Class TR);
 - (M) Student (Temporary) (Class TU);
 - (N) Supported Dependent (Temporary) (Class TW);
 - (O) Temporary Business Entry (Class UC);
 - (P) Working Holiday (Temporary) (Class TZ); or

- (ii) a Diplomatic (Temporary) (Class TF) visa granted to the holder as the spouse, or a dependent relative, of a diplomatic or consular representative of a foreign country; or
- (iii) a special purpose visa; or
- (iv) a visa of one of the following subclasses:
 - (A) Subclass 303 (Emergency (Temporary Visa Applicant));
 - (B) Subclass 427 (Domestic Worker (Temporary)—Executive); and”.

33.3 Paragraph 560.228 (1) (b):

Omit the paragraph, substitute:

“(b) if the applicant is the holder of:

- (i) a Subclass 560 visa granted on the basis that the applicant satisfied the secondary criteria for that visa; or
- (ii) a Subclass 563 (Iranian Postgraduate Student Dependant) visa;

the applicant was not, immediately before becoming the holder of that visa as a dependent of a student, the holder of:

- (iii) a visa, granted because of satisfying the relevant primary criteria, of one of the following classes:
 - (A) Border (Temporary) (Class TA);
 - (B) Business (Temporary) (Class TB);
 - (C) Cultural/Social (Temporary) (Class TE);
 - (D) Educational (Temporary) (Class TH);
 - (E) Electronic Travel Authority (Class UD);
 - (F) Expatriate (Temporary) (Class TJ);
 - (G) Family Relationship (Temporary) (Class TL);
 - (H) Interdependency (Temporary) (Class TM);
 - (I) Long Stay (Visitor) (Class TN);
 - (J) Medical Practitioner (Temporary) (Class UE);
 - (K) Retirement (Temporary) (Class TQ);
 - (L) Short Stay (Visitor) (Class TR);
 - (M) Supported Dependent (Temporary) (Class TW);
 - (N) Temporary Business Entry (Class UC);
 - (O) Working Holiday (Temporary) (Class TZ); or

- (iv) a Diplomatic (Temporary) (Class TF) visa held by the holder as the spouse, or a dependent relative, of a diplomatic or consular representative of a foreign country; or
- (v) a special purpose visa; or
- (vi) a visa, granted on the basis of satisfying the relevant primary criteria, of one of the following subclasses:
 - (A) Subclass 427 (Domestic Worker (Temporary)—Executive);
 - (B) Subclass 560;
 - (C) Subclass 562 (Iranian Postgraduate Student).".

33.4 Paragraph 560.230 (b):

Omit the paragraph, substitute:

“(b) at the time of application, the applicant meets the requirements of clause 560.212:

- (i) as the holder of a visa of one of the following classes:
 - (A) Border (Temporary) (Class TA);
 - (B) Business (Temporary) (Class TB);
 - (C) Cultural/Social (Temporary) (Class TE);
 - (D) Educational (Temporary) (Class TH);
 - (E) Electronic Travel Authority (Class UD);
 - (F) Expatriate (Temporary) (Class TJ);
 - (G) Family Relationship (Temporary) (Class TL);
 - (H) Interdependency (Temporary) (Class TM);
 - (I) Long Stay (Visitor) (Class TN);
 - (J) Medical Practitioner (Temporary) (Class UE);
 - (K) Retirement (Temporary) (Class TQ);
 - (L) Short Stay (Visitor) (Class TR);
 - (M) Supported Dependent (Temporary) (Class TW);
 - (N) Temporary Business Entry (Class UC);
 - (O) Working Holiday (Temporary) (Class TZ); or
- (ii) as the holder of a special purpose visa; or
- (iii) as the holder of a visa of one of the following subclasses:
 - (A) Subclass 303 (Emergency (Temporary Visa Applicant));
 - (B) Subclass 427 (Domestic Worker (Temporary)—Executive);

the applicant establishes exceptional reasons for the grant of a Subclass 560 visa.”.

33.5 Paragraph 560.312 (1) (a):

“(a) is the holder of:

- (i) a visa of one of the following classes:
 - (A) Border (Temporary) (Class TA);
 - (B) Business (Temporary) (Class TB);
 - (C) Cultural/Social (Temporary) (Class TE);
 - (D) Educational (Temporary) (Class TH);
 - (E) Electronic Travel Authority (Class UD);
 - (F) Expatriate (Temporary) (Class TJ);
 - (G) Family Relationship (Temporary) (Class TL);
 - (H) Interdependency (Temporary) (Class TM);
 - (I) Long Stay (Visitor) (Class TN);
 - (J) Medical Practitioner (Temporary) (Class UE);
 - (K) Retirement (Temporary) (Class TQ);
 - (L) Short Stay (Visitor) (Class TR);
 - (M) Student (Temporary) (Class TU);
 - (N) Supported Dependent (Temporary) (Class TW);
 - (O) Temporary Business Entry (Class UC);
 - (P) Working Holiday (Temporary) (Class TZ); or
- (ii) a Diplomatic (Temporary) (Class TF) visa granted to the holder as the spouse, or a dependent relative, of a diplomatic or consular representative of a foreign country; or
- (iii) a special purpose visa; or
- (iv) a visa of one of the following subclasses:
 - (A) Subclass 303 (Emergency (Temporary Visa Applicant));
 - (B) Subclass 427 (Domestic Worker (Temporary)—Executive); or”.

34. Schedule 2, Part 773 (Border)

34.1 Sub-subparagraph 773.213 (1) (d) (i) (C):

Omit the sub-subparagraph, substitute:

- “(C) the holder of a visa of a class specified in subclause (3); or
- (D) the holder of a visa of a subclass specified in subclause (4); and”.

34.2 Subparagraph 773.213 (1) (e) (i):

Omit the subparagraph, substitute:

- “(i) immediately before last departing Australia, held a visa of:
 (A) a class specified in subclause (3); or
 (B) a subclass specified in subclause (4); and”.

34.3 Subparagraph 773.213 (1) (g) (iii):

Omit the subparagraph, substitute:

- “(iii) appears to the Minister, on the basis of information contained in the application, to be a person who is eligible for the grant of:
 (A) a Long Stay (Visitor) (Class TN) visa; or
 (B) a Short Stay (Visitor) (Class TR) visa; or
 (C) a Subclass 456 (Business (Short Stay)) visa; or
 (D) apart from the applicant being in Australia, a Transit (Temporary) (Class TX) visa.”.

34.4 Subclause 773.213 (3):

Omit the subclause, substitute:

- “(3) The classes of visa referred to in sub-subparagraphs (1) (d) (i) (C) and (1) (e) (i) (A) are the following:
 (a) Business (Temporary) (Class TB);
 (b) Cultural/Social (Temporary) (Class TE);
 (c) Diplomatic (Temporary) (Class TF);
 (d) Domestic Worker (Temporary) (Class TG);
 (e) Educational (Temporary) (Class TH);
 (f) Expatriate (Temporary) (Class TJ);
 (g) Family Relationship (Temporary) (Class TL);
 (h) Interdependency (Temporary) (Class TM);
 (i) Medical Practitioner (Temporary) (Class UE);
 (j) Retirement (Temporary) (Class TQ);
 (k) Supported Dependent (Temporary) (Class TW);
 (l) Working Holiday (Temporary) (Class TZ).
 “(4) The subclasses of visa referred to in sub-subparagraphs (1) (d) (i) (D) and (1) (e) (i) (B) are the following:
 (a) Subclass 303 (Emergency (Temporary Visa Applicant));
 (b) Subclass 457 (Business (Long Stay)).”.

35. Schedule 2, Part 805 (Skilled)**35.1 Subclause 805.211 (1):**

Omit the subclause, substitute:

- “(1) The applicant is not the holder of:
- (a) a visa of one of the following classes:
 - (i) Electronic Travel Authority (Class UD);
 - (ii) Long Stay (Visitor) (Class TN);
 - (iii) Short Stay (Visitor) (Class TR);
 - (iv) Special Category (Temporary) (Class TY);
 - (v) Special Tourist (Visitor) (Class TS); or
 - (b) a special purpose visa; or
 - (c) a Subclass 456 (Business (Short Stay)) visa; or
 - (d) a Subclass 457 (Business (Long Stay)) visa granted on the basis that:
 - (i) the applicant satisfied the requirements of subclause 457.223 (4) or (5); and
 - (ii) the employer referred to in that subclause was, in relation to the visa application, a pre-qualified business sponsor within the meaning of Division 1.4A.”.

35.2 Paragraph 805.211 (2) (b):

Omit the paragraph, substitute:

- “(b) the last substantive visa held by the applicant was not:
- (i) a visa of one of the following classes:
 - (A) Electronic Travel Authority (Class UD);
 - (B) Long Stay (Visitor) (Class TN);
 - (C) Short Stay (Visitor) (Class TR);
 - (D) Special Category (Temporary) (Class TY);
 - (E) Special Tourist (Visitor) (TS); or
 - (ii) a special purpose visa; or
 - (iii) a Subclass 456 (Business (Short Stay)) visa; or
 - (iv) a Subclass 457 (Business (Long Stay)) visa granted on the basis that:
 - (A) the applicant satisfied the requirements of subclause 457.223 (4) or (5); and
 - (B) the employer referred to in that subclause was, in relation to the visa application, a pre-qualified business sponsor within the meaning of Division 1.4A.”.

35.3 Subclause 805.212 (2):

Omit the clause, substitute:

“(2) An applicant meets the requirements of this subclause if the applicant:

- (a) currently holds a qualifying visa within the meaning of subclause (2A); and
- (b) has held 1 or more qualifying visas valid for an aggregate period of more than 12 months.

“(2A) For the purposes of subclause (2), a visa is a qualifying visa if it is:

- (a) a visa of one of the following classes:
 - (i) Business (Temporary) (Class TB);
 - (ii) Citizens of Former Yugoslavia (Temporary) (Class TC);
 - (iii) Cultural/Social (Temporary) (Class TE);
 - (iv) Educational (Temporary) (Class TH);
 - (v) Family Relationship (Temporary) (Class TL);
 - (vi) Interdependency (Temporary) (Class TM);
 - (vii) Medical Practitioner (Temporary) (Class UE);
 - (viii) Sri Lankan (Temporary) (Class TT);
 - (ix) Supported Dependent (Temporary) (Class TW); or
- (b) a Subclass 457 (Business (Long Stay)) visa granted otherwise than on the basis that:
 - (i) the applicant satisfied the requirements of subclause 457.223 (4) or (5); and
 - (ii) the employer referred to in that subclause was, in relation to the visa application, a pre-qualified business sponsor within the meaning of Division 1.4A; or
- (c) a Confirmatory (Temporary) (Class TD) visa granted on the basis that the applicant:
 - (i) had applied for a visa of a class specified in paragraph (a) or (b), but needed to travel to Australia before a criterion, or criteria, for the grant of that visa had been satisfied; and
 - (ii) subsequently satisfied that criterion or those criteria.”.

36. Schedule 2, Part 840 (Business Owner)

36.1 Paragraph 840.211 (1) (b):

Omit the paragraph, substitute:

“(b) holds:

- (i) a visa of one of the following classes:
 - (A) Business (Temporary) (Class TB);
 - (B) Cultural/Social (Temporary) (Class TE);
 - (C) Educational (Temporary) (Class TH);
 - (D) Expatriate (Temporary) (Class TJ);
 - (E) Medical Practitioner (Temporary) (Class UE);
 - (F) Retirement (Temporary) (Class TQ);
 - (G) Supported Dependent (Temporary) (Class TW);
 - (H) Working Holiday (Temporary) (Class TZ); or
- (ii) a Subclass 457 (Business (Long Stay)) visa; or
- (iii) a transitional (temporary) visa that the applicant is taken to hold because he or she held, or applied for, a Group 2.1 (temporary resident) visa or entry permit within the meaning of the Migration (1993) Regulations before 1 September 1994.”.

37. Schedule 2, Part 841 (Senior Executive)

37.1 Paragraph 841.211 (1) (b):

Omit the paragraph, substitute:

“(b) holds:

- (i) a visa of one of the following classes:
 - (A) Business (Temporary) (Class TB);
 - (B) Cultural/Social (Temporary) (Class TE);
 - (C) Educational (Temporary) (Class TH);
 - (D) Expatriate (Temporary) (Class TJ);
 - (E) Medical Practitioner (Temporary) (Class UE);
 - (F) Retirement (Temporary) (Class TQ);
 - (G) Supported Dependent (Temporary) (Class TW);
 - (H) Working Holiday (Temporary) (Class TZ); or
- (ii) a Subclass 457 (Business (Long Stay)) visa; or
- (iii) a transitional (temporary) visa that the applicant is taken to hold because he or she held, or applied for, a Group 2.1 (temporary resident) visa or entry permit within the meaning of the Migration (1993) Regulations before 1 September 1994.”.

38. Schedule 2, Part 842 (State/Territory Sponsored Business Owner)

38.1 Paragraph 842.211 (1) (b):

Omit the paragraph, substitute:

“(b) holds:

- (i) a visa of one of the following classes:
 - (A) Business (Temporary) (Class TB);
 - (B) Cultural/Social (Temporary) (Class TE);
 - (C) Educational (Temporary) (Class TH);
 - (D) Expatriate (Temporary) (Class TJ);
 - (E) Medical Practitioner (Temporary) (Class UE);
 - (F) Retirement (Temporary) (Class TQ);
 - (G) Supported Dependent (Temporary) (Class TW);
 - (H) Working Holiday (Temporary) (Class TZ); or
- (ii) a Subclass 457 (Business (Long Stay)) visa; or
- (iii) a transitional (temporary) visa that the applicant is taken to hold because he or she held, or applied for, a Group 2.1 (temporary resident) visa or entry permit within the meaning of the Migration (1993) Regulations before 1 September 1994.”.

39. Schedule 2, Part 843 (State/Territory Sponsored Senior Executive)

39.1 Paragraph 843.211 (1) (b):

Omit the paragraph, substitute:

“(b) holds:

- (i) a visa of one of the following classes:
 - (A) Business (Temporary) (Class TB);
 - (B) Cultural/Social (Temporary) (Class TE);
 - (C) Educational (Temporary) (Class TH);
 - (D) Expatriate (Temporary) (Class TJ);
 - (E) Medical Practitioner (Temporary) (Class UE);
 - (F) a Retirement (Temporary) (Class TQ);
 - (G) a Supported Dependent (Temporary) (Class TW);
 - (H) Working Holiday (Temporary) (Class TZ); or
- (ii) a Subclass 457 (Business (Long Stay)) visa; or

- (iii) a transitional (temporary) visa that the applicant is taken to hold because he or she held, or applied for, a Group 2.1 (temporary resident) visa or entry permit within the meaning of the Migration (1993) Regulations before 1 September 1994.”.

40. Schedule 2, Part 844 (Investment-linked)

40.1 Paragraph 844.212 (b):

Omit the paragraph, substitute:

“(b) holds:

- (i) a visa of one of the following classes:
 - (A) Business (Temporary) (Class TB);
 - (B) Cultural/Social (Temporary) (Class TE);
 - (C) Educational (Temporary) (Class TH);
 - (D) an Expatriate (Temporary) (Class TJ);
 - (E) a Medical Practitioner (Temporary) (Class UE);
 - (F) a Retirement (Temporary) (Class TQ);
 - (G) a Supported Dependent (Temporary) (Class TW);
 - (H) a Working Holiday (Temporary) (Class TZ);or
- (ii) a Subclass 457 (Business (Long Stay)) visa; or
- (iii) a transitional (temporary) visa that the applicant is taken to hold because he or she held, or applied for, a Group 2.1 (temporary resident) visa or entry permit within the meaning of the Migration (1993) Regulations before 1 September 1994.”.

41. Transitional (Applications for Class TB visas)

41.1 This regulation applies to an application for a Business (Temporary) (Class TB) visa that had not been finally determined within the meaning of subsection 5 (9) of the Act before 1 August 1996.

41.2 An application to which this regulation applies must be decided in accordance with the criteria that applied to the application on 31 July 1996.

41.3 If:

- (a) the applicant satisfies the criteria for a visa of a subclass specified in Column 1 of the following table; and
- (b) the Minister or review authority decides to grant a visa to the applicant;

the applicant is to be granted a visa:

- (c) of the class specified in Column 2 of that table in relation to that subclass; and
- (d) of the subclass specified in Column 3 of the table in relation to the first-mentioned subclass:

Column 1 Subclass of visa— on 31 July 1996	Column 2 Class of visa—on and after 1 August 1996	Column 3 Subclass of visa— on and after 1 August 1996
411	Cultural/Social (Temporary) (Class TE)	411
412	Temporary Business Entry (Class UC)	457
413	Temporary Business Entry (Class UC)	457
414	Temporary Business Entry (Class UC)	457
418	Educational (Temporary) (Class TH)	418
422	Medical Practitioner (Temporary) (Class UE)	422

41.4 If a visa of a subclass specified in column 3 of the table is granted as a result of subregulation (3), Divisions 4, 5, 6 and 7 of the Part of Schedule 2 to the Migration Regulations (as in force on 1 August 1996) that applies to that subclass apply to the visa.

SCHEDULE

Regulation 32

NEW PART 457 FOR INSERTION IN SCHEDULE 2

SUBCLASS 457—BUSINESS (LONG STAY)**457.1 INTERPRETATION**

457.111 (1) In this Part:

“approved business nomination” means a nomination approved under regulation 1.20H;

“key activity” has the same meaning as in Division 1.4A;

“person” includes an unincorporated body of persons;

“pre-qualified business sponsor” has the same meaning as in Division 1.4A;

“standard business sponsor” has the same meaning as in Division 1.4A.

(2) For the purposes of this Part, a business activity is of benefit to Australia if:

(a) the conduct of the activity contributes to:

- (i) the creation or maintenance of employment for Australian citizens or Australian permanent residents; or
- (ii) expansion of Australian trade in goods or services; or
- (iii) the improvement of Australian business links with international markets; or
- (iv) competitiveness within sectors of the Australian economy; and

(b) the operator of the business:

- (i) introduces to, or utilises or creates in, Australia new or improved technology or business skills; or
- (ii) has a satisfactory record of, or a demonstrated commitment towards, training Australian citizens and Australian permanent residents in the business in Australia.

[NOTE: “AUD”, “ownership interest” and “RHQ agreement” are defined in regulation 1.03.]

SCHEDULE—continued**457.2 PRIMARY CRITERIA**

[NOTE: The primary criteria must be satisfied by at least one member of a family unit. The other members of the family unit who are applicants for a visa of this subclass need satisfy only the secondary criteria.]

457.21 Criteria to be satisfied at time of application

457.211 If the application is made in Australia:

- (a) the applicant is the holder of:
 - (i) a visa of one of the following classes:
 - (A) Business (Temporary) (Class TB);
 - (B) Cultural/Social (Temporary) (Class TE);
 - (C) Educational (Temporary) (Class TH);
 - (D) Expatriate (Temporary) (Class TJ);
 - (E) Family Relationship (Temporary) (Class TL);
 - (F) Interdependency (Temporary) (Class TM);
 - (G) Medical Practitioner (Temporary) (Class UE);
 - (H) Retirement (Temporary) (Class TQ);
 - (I) Supported Dependent (Temporary) (Class TW);
 - (J) Working Holiday (Temporary) (Class TZ); or
 - (ii) a visa of one of the following subclasses:
 - (A) Subclass 303 (Emergency (Temporary Visa Applicant));
 - (B) Subclass 427 (Domestic Worker (Temporary)—Executive);
 - (C) Subclass 457; or
- (b) the applicant is the holder of:
 - (i) a visa of one of the following classes:
 - (A) Border (Temporary) (Class TA);
 - (B) Electronic Travel Authority (Class UD);
 - (C) Long Stay (Visitor) (Class TN);
 - (D) Short Stay (Visitor) (Class TR);
 - (E) Student (Temporary) (Class TU); or
 - (ii) a Subclass 456 (Business (Short Stay)) visa; or
- (c) the applicant is the holder of a Confirmatory (Temporary) (Class TD) visa granted on the grounds that the applicant satisfied the criteria for a visa specified in paragraph (a) or (b); or

SCHEDULE—continued

- (d) the applicant is not the holder of a substantive visa and:
 - (i) the last substantive visa held by the applicant was of a kind specified in paragraph (a) or (c); and
 - (ii) the applicant satisfies Schedule 3 criteria 3003, 3004 and 3005; or
- (e) the applicant is not the holder of a substantive visa and:
 - (i) the last substantive visa held by the applicant was of a kind specified in paragraph (b); and
 - (ii) the applicant satisfies Schedule 3 criteria 3002, 3003, 3004 and 3005.

457.22 Criteria to be satisfied at time of decision

457.221 If the application is made in Australia, the applicant has complied substantially with the conditions to which the visa (if any) held, or last held, by the applicant is, or was, subject.

457.222 (1) If the application is made in Australia and at the time of application the applicant was the holder of a Student (Temporary) (Class TU) visa:

- (a) the applicant has successfully completed a course in Australia at Associate Diploma level or above; and
- (b) if the applicant is a private subsidised student—the Minister is satisfied that it would not be detrimental to Australia's policies in respect of overseas students to grant the visa; and
- (c) if the applicant is a student under a scholarship scheme or training program approved by AusAID—the applicant has the support in writing of AusAID for the grant of the visa.

(2) Subclause (1) does not apply to an applicant who meets the requirements of subclause 457.223 (3).

457.223 (1) The applicant meets the requirements of subclause (2), (3), (4), (5), (6), (7), (8) or (9).

Labour agreements

- (2) The applicant meets the requirements of this subclause if:
 - (a) the activity specified in the application is the subject of a labour agreement; and
 - (b) that activity is the subject of an approved business nomination by a party to the labour agreement; and

SCHEDULE—continued

- (c) the applicant is nominated by a party to the labour agreement; and
- (d) the Minister is satisfied that:
 - (i) the skills and experience of the applicant are suitable for the performance of the activity; and
 - (ii) the requirements of the labour agreement have been met in relation to the application.

RHQ agreements

- (3) The applicant meets the requirements of this subclause if:
 - (a) the activity specified in the application is the subject of an RHQ agreement; and
 - (b) the applicant has lodged with the application a statement that:
 - (i) identifies the applicant as a person who is to be employed in the regional headquarters of a business in Australia; and
 - (ii) identifies the RHQ agreement by the number given to the agreement.

Sponsorship by Australian businesses: key activities

- (4) The applicant meets the requirements of this subclause if:
 - (a) the activity in which the applicant proposes to be employed in Australia by a person (in this subclause called “**the employer**”) is a key activity; and
 - (b) that activity is the subject of an approved business nomination by the employer; and
 - (c) the employer is:
 - (i) a pre-qualified business sponsor; or
 - (ii) a standard business sponsor; and
 - (d) the applicant is nominated in relation to the activity by the employer; and
 - (e) where:
 - (i) the employer is a standard business sponsor; and
 - (ii) the application is made for a stay in Australia of more than 12 months;
 the applicant demonstrates (if so required by the Minister) that the applicant has the skills necessary to perform the activity.

SCHEDULE—continued*Sponsorship by Australian businesses: non-key activities*

- (5) The applicant meets the requirements of this subclause if:
- (a) the activity in which the applicant proposes to be employed in Australia by a person (in this subclause called “**the employer**”) is not a key activity; and
 - (b) that activity is the subject of an approved business nomination by the employer; and
 - (c) the employer is:
 - (i) a pre-qualified business sponsor; or
 - (ii) a standard business sponsor; and
 - (d) the applicant is nominated in relation to the activity by the employer; and
 - (e) where the application is made for a stay in Australia for more than 12 months, the applicant demonstrates that he or she has the skills necessary to perform the activity; and
 - (f) where the employer is a standard business sponsor, the Minister is satisfied that the position to be filled by the applicant has not been created only for the purposes of securing the entry of the applicant to Australia.

Sponsorship by overseas businesses

- (6) The applicant meets the requirements of this subclause if:
- (a) the applicant proposes to be employed in Australia by a person (in this subclause called “**the employer**”) who does not operate a business activity in Australia; and
 - (b) that activity is the subject of an approved business nomination by the employer; and
 - (c) the employer:
 - (i) has given undertakings in accordance with approved form 1067; and
 - (ii) is a person whom the Minister is satisfied (apart from not operating a business in Australia) would, on application, be likely to be approved as a standard business sponsor; and
 - (d) where:
 - (i) the activity is a key activity; and
 - (ii) the application is made for a stay in Australia of more than 12 months;the applicant demonstrates (if so required by the Minister) that the applicant has the skills necessary to perform the activity; and

SCHEDULE—continued

- (e) where the activity is not a key activity:
 - (i) the Minister is satisfied that the position to be filled by the applicant has not been created only for the purposes of securing the entry of the applicant to Australia; and
 - (ii) in the case of an application for a stay in Australia of more than 12 months—the applicant demonstrates that he or she has the skills necessary to perform the activity; and
- (f) the Minister is satisfied that the applicant has a genuine and realistic commitment to:
 - (i) establish, or assist in establishing, on behalf of the employer, a business activity in Australia with overseas connections; or
 - (ii) fulfil, or assist in fulfilling, contractual obligations of the employer;that will be of benefit to Australia.

Independent executives

- (7) The applicant meets the requirements of this subclause if the Minister is satisfied that:
 - (a) the applicant proposes to develop in Australia a business activity that will be:
 - (i) conducted by the applicant as a principal; and
 - (ii) of benefit to Australia; and
 - (b) the applicant has a genuine and realistic commitment:
 - (i) to maintain or obtain an ownership interest in a business in Australia; and
 - (ii) to maintain a direct and continuous involvement in the management of the business; and
 - (iii) to make decisions that affect the overall direction and performance of the business from day to day; and
 - (c) nothing adverse is known to Immigration about the applicant's business background; and
 - (d) the applicant has net assets of:
 - (i) not less than AUD250,000; or
 - (ii) a lesser amount that the Minister considers to be adequate;to conduct or establish the business.

SCHEDULE—continued

Service sellers

- (8) The applicant meets the requirements of this subclause if:
- (a) the applicant:
 - (i) is a representative of a supplier of services who is located outside Australia; and
 - (ii) proposes to represent the supplier in Australia; and
 - (b) the representation involves negotiating, or entering into agreements, for the sale of services but does not involve the actual supply, or direct sale, of the services; and
 - (c) the Minister is satisfied that the proposal has not been made only for the purposes of securing the entry of the applicant to Australia.

Persons accorded certain privileges and immunities

- (9) The applicant meets the requirements of this subclause if:
- (a) the applicant is a person to whom privileges and immunities will be accorded under the *International Organizations (Privileges and Immunities) Act 1963* or the *Overseas Missions (Privileges and Immunities) Act 1995*; and
 - (b) the Foreign Minister has recommended in writing to the Minister that the applicant should be granted the visa.

457.224 The applicant satisfies:

- (a) public interest criteria 4001, 4002, 4003, 4004, 4010, 4013 and 4014; and
- (b) except where the applicant meets the requirements of subclause 457.223 (9)—satisfies public interest criterion 4006A.

457.225 If:

- (a) the application is made outside Australia; and
- (b) the applicant has previously been in Australia;

the applicant satisfies special return criteria 5001 and 5002.

SCHEDULE—continued

457.3 SECONDARY CRITERIA**457.31 [No criteria to be satisfied at time of application.]****457.32 Criteria to be satisfied at time of decision**

457.321 The applicant is a member of the family unit of a person (in this Subdivision called “**the primary applicant**”) who, having satisfied the primary criteria, is the holder of a Subclass 457 visa.

457.322 If the application is made outside Australia separately from that of the primary applicant:

- (a) the primary applicant is, or is expected soon to be, in Australia; and
- (b) the applicant intends to stay temporarily in Australia as a member of the family unit of the primary applicant.

457.323 If the application is made in Australia, the applicant has complied substantially with the conditions that apply, or applied, to:

- (a) any visa that the applicant holds or has held; or
- (b) any visa held by the applicant immediately before becoming an unlawful non-citizen.

457.324 The applicant is included in any nomination that is required in respect of the primary applicant in accordance with approved form 1068.

457.325 The applicant:

- (a) satisfies public interest criteria 4001, 4002, 4003, 4004, 4010, 4013 and 4014; and
- (b) except where the applicant is a member of the family unit of a primary applicant who meets the requirements of subclause 457.223 (9)—satisfies public interest criterion 4006A.

457.326 If:

- (a) the application is made outside Australia; and
- (b) the applicant has previously been in Australia;

the applicant satisfies special return criteria 5001 and 5002.

SCHEDULE—continued**457.4 CIRCUMSTANCES APPLICABLE TO GRANT**

457.411 If the applicant is outside Australia at the time of application, the applicant must be outside Australia at the time of grant.

457.412 If the applicant is in Australia at the time of application, the applicant must be in Australia at the time of grant.

457.5 WHEN VISA IS IN EFFECT

457.511 A temporary visa permitting the holder:

- (a) in the case of a holder who is in Australia at the time of grant—to remain in Australia for a period of more than 3 months, but not more than 4 years, from the date of grant; and
- (b) in the case of a holder who is outside Australia at the time of grant—to remain in Australia for a period of more than 3 months, but not more than 4 years from the date of entry that is specified by the Minister; and
- (c) in any case—to travel to, and enter, Australia on multiple occasions before the end of the relevant period.

457.6 CONDITIONS

457.611 (1) If the applicant satisfies the primary criteria, condition 8107 applies to the visa granted to the applicant unless the applicant meets the requirements of subclause 457.223 (7).

(2) Any one or more of conditions 8106, 8301, 8303, 8502, 8516, 8522, 8525 and 8526 may be imposed.

457.7 WAY OF GIVING EVIDENCE

457.711 Visa label affixed to a valid passport.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on ~~L~~ 1996. 5 June/
2. Statutory Rules 1994 No. 268 as amended by 1994 Nos. 280, 322, 376 and 452; 1995 Nos. 3, 38, 117, 134, 268, 302 and 411; 1996 No. 12/ ~~L~~ ~~L~~ ~~L~~ and 75/