



Migration (IMMI 18/052: Transitional operation of regulation 5.19 for certain 457 visa holders) Instrument 2018

I, Alan Tudge, Minister for Citizenship and Multicultural Affairs, make the following instrument.

Dated 15 March 2018

The Hon Alan Tudge MP
Minister for Citizenship and Multicultural Affairs

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1 Name

This instrument is the *Migration (IMMI 18/052: Transitional operation of regulation 5.19 for certain 457 visa holders) Instrument 2018*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	18 March 2018.	18 March 2018

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the following provisions of the *Migration Regulations 1994*:

- (a) subparagraph 5.19(5)(a)(iii);
- (b) subregulation 5.19(6);
- (c) subregulation 5.19(8).

4 Definitions

In this instrument:

application means an application made under regulation 5.19 of the Regulations for approval of the nomination of a position in Australia.

Regulations means the *Migration Regulations 1994*.

specified person means a person specified for the purposes of subparagraph 5.19(5)(a)(iii) of the Regulations (see section 6).

5 Application

This instrument applies in relation to an application made on or after 18 March 2018.

6 Persons specified for subparagraph 5.19(5)(a)(iii) of the Regulations

- (1) This section is made for the purposes of subparagraph 5.19(5)(a)(iii) of the Regulations.
- (2) A person is specified for the purposes of that subparagraph if, on 18 April 2017, the person:
 - (a) held a Subclass 457 (Temporary Work (Skilled)) visa; or
 - (b) was an applicant for a Subclass 457 (Temporary Work (Skilled)) visa that was subsequently granted.

7 Different periods of time for paragraphs 5.19(5)(e), (f) and (g) of the Regulations

- (1) This section:
 - (a) is made for the purposes of subregulation 5.19(6) of the Regulations; and
 - (b) determines different periods of time for the purposes of paragraphs 5.19(5)(e), (f) and (g) of the Regulations for specified persons.
- (2) Paragraphs 5.19(5)(e), (f) and (g) of the Regulations apply in relation to a specified person as if:
 - (a) references in those paragraphs to periods of 4 years were references to periods of 3 years; and
 - (b) references in those paragraphs to total periods of at least 3 years were references to total periods of at least 2 years.

8 Exemption from operation of paragraph 5.19(5)(c) of the Regulations

- (1) This section is made for the purposes of subregulation 5.19(8) of the Regulations.

Specified persons are exempt
- (2) A specified person is exempt from the operation of paragraph 5.19(5)(c) of the Regulations.

9 Repeal of this instrument

This instrument is repealed at the start of 18 March 2022.