



## **Migration (Fast Track Applicant Class – Temporary Protection and Safe Haven Enterprise Visa Holders) Instrument 2019**

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I, David Coleman, Minister for Immigration, Citizenship and Multicultural Affairs, make the following instrument.

Dated 26/3/19

David Coleman  
The David Coleman MP  
Minister for Immigration, Citizenship and Multicultural Affairs

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## Part 1 – Preliminary

### 1 Name

- (1) This instrument is the *Migration (Fast Track Applicant Class – Temporary Protection and Safe Haven Enterprise Visas) Instrument 2019*.
- (2) This instrument may also be cited as LIN 19/007.

### 2 Commencement

This instrument commences on 2 April 2019.

### 3 Authority

This instrument is made under paragraph 5(1AA)(b) of the *Migration Act 1958*.

### 4 Purpose

- (1) This instrument is made for the purpose of paragraph (b) of the definition of *fast track applicant* in subsection 5(1) of the Act.
- (2) This instrument specifies a class of persons who are fast track applicants.

### 5 Definitions

A number of expressions used in this instrument are defined in the Act, including the following:

- (a) child; and
- (b) fast track applicant;
- (c) finally determined;
- (d) protection visa.

In this instrument:

***Act*** means the *Migration Act 1958*

***Regulations*** means the *Migration Regulations 1994*.

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## Part 2 – Fast track applicants

### 6 Person who is a fast track applicant

- (1) A person is a *fast track applicant* if:
  - (a) either:
    - (i) the person holds a Subclass 785 (Temporary Protection) visa or a Subclass 790 (Safe Haven Enterprise) visa; or
    - (ii) the last substantive visa held by the person was a Subclass 785 (Temporary Protection) visa or a Subclass 790 (Safe Haven Enterprise) visa; and
  - (b) the person makes an application, on or after 2 April 2019, for a protection visa.
- (2) A person is a *fast track applicant* if the person makes, or is taken to have made, a valid application for a protection visa that is combined with the application mentioned in paragraph (1)(b).
- (3) A person is a *fast track applicant* if the person:
  - (a) is the child of a person to whom subsection (1) applied; and
  - (b) is born after the protection visa application mentioned in paragraph (1)(b) has been finally determined; and
  - (c) makes an application in Australia for a protection visa.