

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

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**

# 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.

# Commencement

This instrument commences on 2 April 2019.

# Authority

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

# 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.

# Definitions

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

1. child; and
2. fast track applicant;
3. finally determined;
4. protection visa.

In this instrument:

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

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

**Part 2 – Fast track applicants**

# 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.