



Migration (LIN 19/215: Sponsorship Applications and Nominations for Subclass 407, 457, 482 and 494 Visas) Instrument 2019

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

Dated 8 November 2019

David Coleman
Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

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Part 1—Preliminary

1 Name

- (1) This instrument is the *Migration (LIN 19/215: Sponsorship Applications and Nominations for Subclass 407, 457, 482 and 494 Visas) Instrument 2019*.
- (2) This instrument may be cited as LIN 19/215.

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	At the same time as Schedule 2 to the <i>Migration Amendment (New Skilled Regional Visas) Regulations 2019</i> commences.	16 November 2019

Note: This table relates only to the provisions of this instrument as originally made.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 2.61(3A)(b)(i);
- (b) subparagraph 2.61(3A)(b)(ii);
- (c) paragraph 2.61(3A)(ba);
- (d) paragraph 2.61(3A)(c);
- (e) subregulation 2.61(3B);
- (f) subregulation 2.66(3);
- (g) subregulation 2.66(4);
- (h) subregulation 2.66(5);
- (i) subregulation 2.73(4);
- (j) subregulation 2.73(5);
- (k) subregulation 2.73(7);
- (l) subregulation 2.73A(2);
- (m) subregulation 2.73B(14).

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4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

Note 1: A number of expressions used in this instrument are defined in the Act, including unlawful non-citizen.

Note 2: A number of expressions used in this instrument are defined in the Regulations, including the following:

- (a) approved form;
- (b) Internet application;
- (c) the Act.

In this instrument:

affected visa applicant:

- (a) in relation to an application for approval as a sponsor, means a visa applicant or visa holder whom the person applying for approval intends to nominate if he or she is approved as a sponsor; or
- (b) in relation to a nomination under paragraph 140GB(1)(b) of the Act to which regulation 2.73 or 2.73B of the Regulations applies, means the nominee mentioned in that regulation.

departmental email means an email sent from an official departmental email address.

official departmental email address means an email address recognised by the Department as an official email address of the Department.

Regulations means the *Migration Regulations 1994*.

Part 2—Sponsorship applications and nominations

6 Forms and fees

In relation to a sponsorship application or nomination mentioned in column 1 of an item of the following table:

- (a) for the purposes of the provision the Regulations mentioned in column 2 of the item, the form mentioned in column 3 of the item is specified; and
- (b) for the purposes of the provision of the Regulations mentioned in column 4 of the item, the fee mentioned in column 5 of the item is specified.

Forms					
Item	Column 1 Application or nomination	Column 2 Provision of the Regulations—forms	Column 3 Form	Column 4 Provision of the Regulations—fees	Column 5 Fee
1	application for approval as a standard business sponsor by an applicant who, at the time the application is made, is a standard business sponsor other than an overseas business sponsor	subparagraph 2.61(3A)(b)(i)	approved form 482SR (Internet)	paragraph 2.61(3A)(c)	\$420
2	application for approval as a standard business sponsor, other than an application to which item 1 applies	subparagraph 2.61(3A)(b)(ii)	approved form 482S (Internet)	paragraph 2.61(3A)(c)	\$420
3	application for approval as a temporary activities sponsor	paragraph 2.61(3A)(b)a)	approved form 1478 (Internet)	paragraph 2.61(3A)(c)	\$420
4	application for a variation of a term of an approval as a temporary activities sponsor	subregulation 2.66(3)	approved form 1478 (Internet)	subregulation 2.66(4)	\$420
5	nomination of an occupation in relation to a Subclass 457 or 482 visa	subregulation 2.73(4)	approved form 482N (Internet)	subregulation 2.73(5)	\$330

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Forms					
Item	Column 1 Application or nomination	Column 2 Provision of the Regulations—forms	Column 3 Form	Column 4 Provision of the Regulations—fees	Column 5 Fee
6	nomination of an occupation in relation to a subclass 494 visa	subregulation 2.73B(4)	approved form 494N (Internet)	subregulation 2.73B(5)	nil

7 Different way of making sponsorship applications and nominations

Scope of this section

- (1) For the purposes of the provision of the Regulations mentioned in column 1 of an item of the table in subsection (6), this section specifies:
 - (a) a different way of making the sponsorship application or nomination mentioned in column 2 of the item; and
 - (b) the circumstances in which the sponsorship application or nomination may be made in that different way; and
 - (c) the form for the different way of making the sponsorship application or nomination.

Circumstances in which sponsorship application or nomination may be made in different way

- (2) A person (the **applicant**) may make the sponsorship application or nomination in the different way if:
 - (a) a departmental email, sent in the circumstances mentioned in subsection (3), authorises the applicant to make the sponsorship application or nomination in the different way; and
 - (b) electronic lodgement of the sponsorship application or nomination is not prevented by the Act or the Regulations.
- (3) For the purposes of paragraph (2)(a), the circumstances are the following:
 - (a) a person in the Department has identified a problem with the Department's Internet application systems;
 - (b) because of that problem, the applicant is unable to make an Internet application;
 - (c) either the problem cannot be rectified, or both of the following subparagraphs apply:
 - (i) it is more likely than not that the problem will not be rectified by the end of the day on which the departmental email is sent;
 - (ii) an affected visa applicant will become an unlawful non-citizen on, or before, the next business day after the departmental email is sent;
 - (d) the departmental email:
 - (i) is sent from the email address mentioned in column 3 of the item of the table in subsection (6); and

- (ii) includes the approved form mentioned in column 4 of the item; and
- (iii) includes the name and position number of the person who sent the departmental email.

Note: For *affected visa applicant*, see section 5.

Different way of making sponsorship application or nomination

- (4) The following is the different way of making the sponsorship application or nomination:
- (a) the sponsorship application or nomination, in the form mentioned in subsection (5), must be emailed:
 - (i) to the address from which the departmental email was sent; and
 - (ii) by the end of the day (by legal time in the Australian Capital Territory) on which the departmental email is sent;
 - (b) that email must also include:
 - (i) a copy of the departmental email; and
 - (ii) the name and position number of the person who sent the departmental email.

Form for making sponsorship application or nomination in different way

- (5) The form for the different way of making the sponsorship application or nomination is the form mentioned in column 4 of the item of the table in subsection (6).

Note: For approved forms, see regulation 1.03 of the Regulations. The sponsorship application or nomination must be made in the relevant numbered approved form as approved when the sponsorship application or nomination is made. The sponsorship application or nomination must not be made in a previous version of the approved form. The current approved form must have been included in the departmental email.

Table

- (6) The following is the table:

Different way of making sponsorship applications and nominations				
Item	Column 1 Provision of the Regulations	Column 2 Application or nomination	Column 3 Email address	Column 4 Form
1	subregulation 2.61(3B)	application for approval as a standard business sponsor	e482.Manual.Lodgement@homeaffairs.gov.au	approved form 482S
2	subregulation 2.61(3B)	application for approval as a temporary activities sponsor	an official departmental email address	approved form 1478
3	subregulation 2.66(5)	application for variation of a term of an approval as a	an official departmental email address	approved form 1478

Part 2 Sponsorship applications and nominations

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Different way of making sponsorship applications and nominations				
Item	Column 1 Provision of the Regulations	Column 2 Application or nomination	Column 3 Email address	Column 4 Form
		temporary activities sponsor		
4	subregulation 2.73(7)	nomination of an occupation	e482.Manual.Lodgement @homeaffairs.gov.au	approved form 482N
5	subregulation 2.73B(7)	nomination of an occupation	e494.Manual.Lodgement @homeaffairs.gov.au	approved form 494N

Note: No different fee is specified for making an application or nomination in the different way, so the fee (if any) specified by section 6 for making the application applies to making the application in the different way.

Part 3—Process for nominating programs of occupational training for Subclass 407 visas

8 Process for nominating programs of occupational training for Subclass 407 visas

- (1) For the purposes of subregulation 2.73A(2) of the Regulations, this section specifies the process for a person (the *applicant*) nominating a program of occupational training.
- (2) Subject to subsections (6) and (8), the nomination must be made as an Internet application.
- (3) Subject to subsections (7) and (9), the form for making the nomination is approved form 1479N (Internet).
- (4) The fee which must accompany the nomination (whether it is made as mentioned in subsection (2), (7) or (8)) is \$170.

Different way of making application

- (5) The applicant may make the nomination in the different way specified in subsection (7) if:
 - (a) a departmental email, sent in the circumstances mentioned in subsection (6), authorises the applicant to make the nomination in that different way; and
 - (b) electronic lodgement of the nomination is not prevented by the Act or the Regulations.
- (6) For the purposes of paragraph (5)(a), the circumstances are that the departmental email includes:
 - (a) approved form 1479N; and
 - (b) the name and position number of the person who sent the departmental email.
- (7) The following is the different way of making the nomination:
 - (a) the approved form for the different way of making the nomination is approved form 1479N;
 - (b) the nomination, in the form mentioned in paragraph (a), must be emailed:
 - (i) to the address from which the departmental email was sent; and
 - (ii) by the end of the day (by legal time in the Australian Capital Territory) on which the departmental email is sent;
 - (c) that email must also include:
 - (i) a copy of the departmental email; and
 - (ii) the name and position number of the person who sent the departmental email.

Note: For approved forms, see regulation 1.03 of the Regulations. The nomination must be made in approved form 1479N as approved when the nomination is made. The

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nomination must not be made in a previous version of the approved form. The current approved form 1479N must have been included in the departmental email.

Applicant outside Australia

- (8) The applicant may make the nomination at a diplomatic, consular or migration office maintained by or on behalf of the Commonwealth if the applicant is outside Australia.
- (9) The form for making the nomination in the way mentioned in subsection (8) is approved form 1479N.

Schedule 1—Repeals

Migration (IMMI 18/038: Sponsorship Applications and Nominations for Subclasses 407, 457 and 482 visas) Instrument 2018

1 The whole of the instrument

Repeal the instrument.