



Migration (LIN 20/122: COVID-19 Pandemic event for Subclass 408 (Temporary Activity) visa and visa application charge for Temporary Activity (Class GG) visa) Instrument 2020

I, Jodie Bjerregaard, Delegate of the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, make this instrument.

Dated 3rd April 2020

Jodie Bjerregaard
Senior Executive Service, Band One, Temporary Visa Program Branch
Department of Home Affairs

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Part 1—Preliminary

1 Name

- (1) This instrument is *Migration (LIN 20/122: COVID-19 Pandemic event for Subclass 408 (Temporary Activity) visa and visa application charge for Temporary Activity (Class GG) visa) Instrument 2020*.
- (2) This instrument may be cited as LIN 20/122.

2 Commencement

This instrument commences on the day after signature.

3 Authority

This instrument is made under the following provisions of the Regulations:

- (a) paragraph 408.229(b) of Schedule 2;
- (b) paragraph 408.229(c) of Schedule 2;
- (c) subregulation 2.07(5).

4 Definitions

In this instrument:

Note: The expressions *temporary visa* and *visa application charge* are defined in subsection 5(1) of the *Migration Act 1958*.

COVID-19 pandemic means the pandemic declared by the World Health Organization on 11 March 2020, caused by the coronavirus COVID-19.

Regulations means the *Migration Regulations 1994*.

Part 2—Event, class of persons and visa application charge

5 Event

For paragraph 408.229(b) of Schedule 2 to the Regulations, the COVID-19 pandemic is specified.

6 Class of persons

For paragraph 408.229(c) of Schedule 2 to the Regulations, an applicant for a Subclass 408 visa is in a class of persons in relation to the event specified in section 5 if, at the time of application, the applicant is:

- (a) in Australia; and
- (b) unable to depart Australia as a result of the COVID-19 pandemic; and
- (c) either:
 - (i) the holder of a temporary visa that is 28 days or less from ceasing to be in effect; or
 - (ii) was the holder of a temporary visa that ceased to be in effect not more than 28 days before the application for a Subclass 408 visa is made; and
- (d) unable to make a valid application, or meet the Schedule 2 criteria, for:
 - (i) a visa of the same Subclass as the visa mentioned in paragraph (c); or
 - (ii) a temporary visa of any other Subclass other than a Subclass 408 visa.

7 Visa application charge

The class of persons in section 6 is specified for the purposes of subparagraph 1237(2)(a)(i) of Schedule 1 to the Regulations.

Note: Subparagraph 1237(2)(a)(i) provides that the first instalment amount of the visa application charge is nil for a person in a class of persons specified in a legislative instrument made for the purposes of that subparagraph.