



Migration (Exemptions from Skill, Age and English Language Requirements for Subclass 186, 187 and 494 Visas) Amendment Instrument (LIN 20/189) 2020

I, Alan Tudge, Minister for Population, Cities and Urban Infrastructure, make the following instrument.

Dated 13 November 2020

Alan Tudge
Minister for Population, Cities and Urban Infrastructure
for the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

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1 Name

- (1) This instrument is the *Migration (Exemptions from Skill, Age and English Language Requirements for Subclass 186, 187 and 494 Visas) Amendment Instrument (LIN 20/189) 2020*.
- (2) This instrument may be cited as LIN 20/189.

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	The day after this instrument is registered.	24 November 2020

Note: This table relates only to the provisions of this instrument as originally made.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) paragraph 186.221(b) of Schedule 2;
- (b) paragraph 187.221(b) of Schedule 2.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Migration (LIN 19/216: Exemptions from Skill, Age and English Language Requirements for Subclass 186, 187 and 494 Visas) Instrument 2019

1 Section 5

Insert:

concession period means the concession period mentioned in subregulation 1.15N(1) of the Regulations.

coronavirus employment change: see section 5A.

pro-rata threshold, in relation to a person's earnings for a year, means the amount worked out using the following formula:

$$\frac{\text{High income threshold (as applying at the end of the year)}}{52} \times \left(52 - \begin{array}{l} \text{Number of weeks in the year} \\ \text{when the person's employment} \\ \text{was affected by a coronavirus} \\ \text{employment change} \end{array} \right)$$

Subclass 457/482 coronavirus concession worker, in relation to an application for a visa, means a person in relation to whom all of the following paragraphs apply:

- (a) at all times during the 3 years ending immediately before the day the visa application was made, the person was employed:
 - (i) by the employer who made the nomination to which the visa application relates; and
 - (ii) in the nominated occupation to which the visa application relates;
- (b) the person's employment was affected by a coronavirus employment change;
- (c) for each of those 3 years that did not include any part of the concession period, the person's earnings for the year were equal to or greater than the high income threshold (as applying at the end of the year);
- (d) for each of those 3 years that included any part of the concession period, the person's earnings for the year (excluding any earnings in a week when the person's employment was affected by a coronavirus employment change) were equal to or greater than the pro-rata threshold;
- (e) at almost all times during those 3 years, the person held:
 - (i) a Subclass 457 (Temporary Work (Skilled)) visa; or
 - (ii) a Subclass 482 (Temporary Skill Shortage) visa.

2 At the end Part 1

Add:

5A Coronavirus employment change

A person's employment is affected by a *coronavirus employment change* at a time if:

- (a) the time occurs during the concession period; and
- (b) at that time, the person is, because of the coronavirus known as COVID-19:
 - (i) required to work at a reduced salary; or
 - (ii) required to work reduced hours; or
 - (iii) required to work part-time; or
 - (iv) unable to work full-time; or
 - (v) stood down.

3 After paragraph 6(1)(d)

Insert:

- (da) Subclass 457/482 coronavirus concession workers;

4 After paragraph 7(1)(d)

Insert:

- (da) Subclass 457/482 coronavirus concession workers;

5 Part 3 (heading)

Repeal the heading, substitute:

Part 3—Application and transitional provisions**6 At the end of Part 3**

Add:

11 Operation of Schedule 1 to the *Migration (Exemptions from Skill, Age and English Language Requirements for Subclass 186, 187 and 494 Visas) Amendment Instrument (LIN 20/189) 2020*

The amendments of this instrument made by items 3 and 4 of Schedule 1 to the *Migration (Exemptions from Skill, Age and English Language Requirements for Subclass 186, 187 and 494 Visas) Amendment Instrument (LIN 20/189) 2020* apply in relation to applications made on or after the commencement of those items.