



Migration (COVID-19 Pandemic event for Subclass 408 (Temporary Activity) visa and visa application charge for Temporary Activity (Class GG) visa) Amendment Instrument (LIN 20/283) 2020

I, Jodie Bjerregaard, as delegate of the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, make the following instrument.

Dated 1 December 2020

Jodie Bjerregaard
Assistant Secretary
Temporary Visa Program Branch
Immigration Programs Division
Department of Home Affairs

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Schedules.....	1
	Schedule 1—Amendments	2
	<i>Migration (LIN 20/229: COVID-19 Pandemic event for Subclass 408 (Temporary Activity) visa and visa application charge for Temporary Activity (Class GG) visa) Instrument 2020</i>	<i>2</i>

1 Name

- (1) This instrument is the *Migration (COVID-19 Pandemic event for Subclass 408 (Temporary Activity) visa and visa application charge for Temporary Activity (Class GG) visa) Amendment Instrument (LIN 20/283) 2020*.
- (2) This instrument may be cited as LIN 20/283.

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.	6 January 2021

Note: This table relates only to the provisions of this instrument as originally made.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 paragraph 408.229(c) of Schedule 2 to the *Migration Regulations 1994*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 20/229: COVID-19 Pandemic event for Subclass 408 (Temporary Activity) visa and visa application charge for Temporary Activity (Class GG) visa) Instrument 2020

1 At the end of Part 1

Add:

6A Application of amendments made by LIN 20/283

The amendments made by Schedule 1 to the *Migration (COVID-19 Pandemic event for Subclass 408 (Temporary Activity) visa and visa application charge for Temporary Activity (Class GG) visa) Amendment Instrument (LIN 20/283) 2020* apply in relation to the following applications for a visa:

- (a) an application made, but not finally determined, before the commencement of that Schedule;
- (b) an application made on or after the commencement of that Schedule.

2 Subsection 8(1)

Omit “the applicant is”, substitute “the applicant”.

3 Paragraph 8(1)(a)

Before “in”, insert “is”.

4 Paragraph 8(1)(b)

Before “unable”, insert “is”.

5 Subparagraph 8(1)(c)(i)

Before “the holder”, insert “is”.

6 Paragraph 8(1)(d)

Before “unable”, insert “is”.

7 Subsection 8(2)

Omit “the applicant is”, substitute “the applicant”.

8 Paragraph 8(2)(a)

Before “in”, insert “is”.

9 Paragraph 8(2)(b)

Before “unable”, insert “is”.

10 Subparagraph 8(2)(c)(i)

Before “the holder of”, insert “is”.

11 After subparagraph 8(2)(c)(i)

Insert:

- (ia) is the holder of a substantive temporary visa that is 90 days or less from ceasing to be in effect; or

12 Paragraph 8(2)(d)

Before “in receipt of”, insert “is”.

13 After subsection 8(2) (before the note)

Insert:

- (3) For paragraph 408.229(c) of Schedule 2 to the Regulations and subject to subsection (4), an applicant for a Subclass 408 visa is in a class of persons in relation to the event specified in section 7 if, at the time of application, the applicant:
 - (a) is in Australia; and
 - (b) either:
 - (i) is the holder of a substantive temporary visa that is 90 days or less from ceasing to be in effect; or
 - (ii) was the holder of a substantive temporary visa that ceased to be in effect not more than 28 days before the application for a Subclass 408 visa is made; and
 - (c) is employed by, or in receipt of an offer of employment from, an employer in the:
 - (i) aged care sector; or
 - (ii) agriculture sector; or
 - (iii) child care sector; or
 - (iv) disability care sector; or
 - (v) food processing sector; or
 - (vi) health care sector; and
 - (d) is unable to make a valid application, or meet the criteria set out in Schedule 2 to the Regulations, for:
 - (i) a visa of the same Subclass as the visa mentioned in paragraph (b); or
 - (ii) a substantive temporary visa of any other Subclass other than a Subclass 408 visa.
- (4) For the purposes of subsection (3), if the applicant:
 - (a) is the holder of a Subclass 403 (Temporary Work (International Relations)) visa in the Seasonal Worker Program stream that is 90 days or less from ceasing to be in effect; or
 - (b) was the holder of Subclass 403 (Temporary Work (International Relations)) visa in the Seasonal Worker Program stream that ceased to be in effect not more than 28 days before the application for a Subclass 408 visa is made;

the applicant must, in relation to employment in the agriculture sector, be employed by, or in receipt of an offer of employment from, an approved employer under the Seasonal Worker Programme.