



LIN 21/069

**Australian Citizenship (special residence requirement) Instrument  
(LIN 21/069) 2021**

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I, Alex Hawke, Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, make this instrument under section 22C of the *Australian Citizenship Act 2007* (the *Act*).

Dated 11 October 2021

Alex Hawke

Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

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## Part 1 Preliminary

### 1 Name

This instrument is the *Australian Citizenship (special residence requirement) Instrument (LIN 21/069) 2021*.

### 2 Commencement

This instrument commences on the day after registration.

### 3 Definitions

In this instrument:

**ICC** means the International Cricket Council.

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

**participation in an Australian team** means participation by a person who is an athlete in an Australian sports team.

**relevant talent visa** means one of the following visas, excluding those for which an applicant received an invitation from the Department to apply for:

- (a) a Distinguished Talent (Migrant) (Class AL) visa, within the meaning given by the Migration Regulations, in respect of which an application was made before 14 November 2020; or
- (b) a Distinguished Talent (Residence) (Class BX) visa, within the meaning given by the Migration Regulations, in respect of which an application was made before 27 February 2021; or
- (c) a Global Talent (Class BX) visa, within the meaning given by the Migration Regulations, in respect of which an application was made on or after 27 February 2021.

**S&P/ASX All Australia 200 listed company** means one of the 200 Australian Securities Exchange listed companies in the S&P/ASX 200 share market index.

**scientist** means someone with an expert knowledge of science, including someone professionally qualified in one or more of the branches of science.

*Note 1:* The branches of science include natural science, social science and formal science.

*Note 2:* The companies in the S&P/ASX All Australia 200 are listed at <https://www.spglobal.com/spdji/en/indices/equity/sp-asx-200/#data> and are ordinarily rebalanced every quarter.

### 4 Repeal

*Australian Citizenship Act 2007 - Specification under section 22C - Special Residence Requirement - June 2013 (F2013L01123) (IMMI 13/056)*, signed on 29 May 2013, is repealed.

### 5 Specified activities and organisations

Under subsections 22C(1) and (2) of the Act:

- (a) for subparagraph 22A(1)(a)(i), an activity mentioned in an item of the following table is specified; and
- (b) for paragraph 22A(1)(b), an organisation mentioned in an item of the following table is specified in relation to the activity mentioned for the item.

<b>Item</b>	<b>Activity</b>	<b>Organisation</b>
1	Employment in a position which requires a Negative Vetting 2 or higher security clearance in a Commonwealth entity that is: (a) a Department; (b) an executive agency; or (c) a statutory agency.	A Commonwealth entity that is: (a) a Department; (b) an executive agency; or (c) a statutory agency.
2	Participation in an Australian team in the Olympic Winter Games or Olympic Summer Games, including qualifying events	Australian Olympic Committee
3	Participation in an Australian team in the Paralympic Winter Games or Paralympic Summer Games, including qualifying events	Australian Paralympic Committee
4	Participation in an Australian team in the Davis Cup or Fed Cup, including qualifying events	Tennis Australia
5	Participation in an Australian team in the Commonwealth Games, including qualifying events	Commonwealth Games Australia
6	Participation in an Australian team for any men's or women's international cricket match, including: (a) Test cricket; (b) one-day internationals; (c) Twenty20 International; (d) a match played as part of an ICC event; or (e) other matches organised or sanctioned by the ICC from time to time to which the ICC deems appropriate that the ICC Regulations should apply.	Cricket Australia

## **6 Specified kinds of work**

- (1) Under subsection 22C(3) of the Act, for paragraph 22B(1)(a), the kinds of work set out in subsections (2) and (3) are specified.
- (2) Work that is:
  - (a) done on duty by a crew member of a ship or aircraft; or
  - (b) done on duty on a resources installation or a sea installation; or
  - (c) done in the course of duty by an employee of an S&P/ASX All Australian 200 listed company in one of the following positions:
    - (i) a chief executive officer; or
    - (ii) an executive manager; or
  - (d) research and development of benefit to Australia done as a scientist who has been awarded a Doctor of Philosophy in their field of specialty and is employed by an Australian university; or
  - (e) done in the course of duty as a scientist employed by:
    - (i) the Commonwealth Scientific and Industrial Research Organisation; or
    - (ii) a medical research institute that is a member of the Association of Australian Medical Research Institutes; or

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- (f) done in the course of duty as a medical specialist of internationally recognised record of exceptional and outstanding achievement in their field of speciality, who:
- (i) is a fellow of an organisation listed in column 1 of an item in the table in clause 1 in Schedule 1 to the *Health Insurance Regulations 2018*; and
  - (ii) holds a qualification relevant to the organisation.
- (3) Work that is in one of the following areas:
- (a) academia and research; or
  - (b) the arts; or
  - (c) a profession; or
  - (d) a sport;

where the particular kind of work is done by a person who is or has been a primary holder of a relevant talent visa and the visa was granted based on an internationally recognised record of exceptional and outstanding achievement in the same area.