

LIN 21/048

Migration (Income Threshold and Exemptions for Subclass 189 Visa (New Zealand Stream)) Amendment Instrument (LIN 21/048) 2021

I, Alex Hawke, Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, make this instrument under subclause 189.233(2) of Schedule 2 to the *Migration Regulations 1994*.

Dated 9 November 2021

Alex Hawke  
Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

Name

This instrument is the *Migration (Income Threshold and Exemptions for Subclass 189 Visa (New Zealand Stream)) Amendment Instrument (LIN 21/048) 2021.*

2 Commencement

This instrument commences on the later of:

(a) the day after registration; and

(b) 1 July 2021.

3 Amendment

Schedule 1 amends *Migration (Income Threshold and Exemptions for Subclass 189 Visa (New Zealand Stream)) Instrument (LIN 21/018) 2021* (F2021L00596).

Schedule 1 Amendment

(s.3)

[1] Subparagraph 7(1)(b)(i)

omit

income year;

insert

or 2020–21 income year, and seeks to be an exempt applicant for one of those income years;

[2] Subparagraph 7(1)(b)(iii)

substitute

(iii) provides the evidence mentioned in paragraph (a) of item 4 of Schedule 1 for the 2019-20 or 2020-21 income years; and

(iv) provides the evidence mentioned in paragraph (b) of item 4 of Schedule 1 for the income year for which the applicant is not able to meet the income requirement.

[3] Schedule 1, item 4

Substitute

|  |  |  |
| --- | --- | --- |
| Item | Classes of exempt applicants | Evidence |
| 4 | The applicant:  (a) would have likely met the minimum amount of the income requirement for the 2019–20 or 2020–21 income year if not for the effects of the COVID‑19 pandemic on the Australian economy; and  (b) could not meet the minimum amount of the income requirement for the 2019–20 or 2020–21 income year because of the effects of the COVID‑19 pandemic on the Australian economy. | (a) either:  (i) a signed letter written on a company letterhead by the applicant's current or former employer stating the applicant’s salary before 1 February 2020; or  (ii) the applicant’s pay slips, salary advices or employment contracts (stating the applicant’s salary) for a period in the 2019–20 or 2020–21 income year to demonstrate that the applicant was likely to meet the income threshold in the 2019–20 or 2020–21 income year; and  (b) any of the following documents:  (i) a statutory declaration by the applicant’s employer acknowledging the applicant’s 2019–20 or 2020–21 taxable income has reduced, due to:  (A) reduced availability of shifts/hours resulting in a drop in income; or  (B) the applicant contracting COVID-19 or having caring responsibilities for a person who contracted COVID-19, preventing the applicant from working and resulted in a drop in income; or  (C) medically directed orders to self-isolate, preventing the applicant from working and resulting in a drop in income; or  (D) caring responsibilities as a result of COVID-19 pandemic shutdowns (eg schools, childcare centres) that prevented the applicant from working and resulted in a drop in income;  (ii) if the applicant’s employment was terminated—a statutory declaration by the applicant’s former employer stating that the circumstances of the applicant’s dismissal were related to the COVID-19 pandemic effects on the business;  (iii) documentation proving that the applicant had access to the JobKeeper Wage Subsidy for a period in the 2019–20 or 2020–21 income year including:  (A) employee nomination form or other statements or documents provided by the Australian Taxation Office demonstrating that the applicant had access to the JobKeeper Wage Subsidy; or  (B) alternative statements provided by the Australian Taxation Office at the applicant’s request;  (iv) Services Australia-Centrelink letters showing the applicant claimed and received JobSeeker payments for a period in the 2019–20 or 2020–21 income year. |