



Migration Amendment (Extension of Temporary Graduate and Skilled Regional Provisional Visas) Regulations 2022

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 17 February 2022

David Hurley
Governor-General

By His Excellency's Command

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

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1 Name

This instrument is the *Migration Amendment (Extension of Temporary Graduate and Skilled Regional Provisional Visas) Regulations 2022*.

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. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	18 February 2022
2. Schedule 1	31 January 2020.	31 January 2020
3. Schedule 2, Part 1	Immediately after the commencement of the provisions covered by table item 2.	31 January 2020
4. Schedule 2, Part 2	18 February 2022.	18 February 2022

Note: This table relates only to the provisions of this instrument as originally made.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 *Migration Act 1958*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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—Extension of certain Subclass 485 (Temporary Graduate) visas

Migration Regulations 1994

1 At the end of Division 485.5 of Schedule 2

Add:

485.514

- (1) Despite clauses 485.511, 485.512 and 485.513, a visa to which subclause (2) or (3) of this clause applies is a temporary visa permitting the holder to travel to, enter and remain in Australia until 30 September 2022.
- (2) This subclause applies to a Subclass 485 (Temporary Graduate) visa held by a person if:
 - (a) the visa was granted when the person was in Australia; and
 - (b) the visa was granted on the basis that the person satisfied the primary criteria for the grant of the visa; and
 - (c) the person is outside Australia on a day:
 - (i) occurring between 1 February 2020 and 14 December 2021; and
 - (ii) on which the visa is in effect (disregarding this clause); and
 - (d) the day (the *end day*) that is the last day on which, disregarding this clause, the person can travel to, enter and remain in Australia under the visa is before 1 October 2022; and
 - (e) the visa is not cancelled before the end day; and
 - (f) between the date of grant of the visa and the end day, no other substantive visa comes into effect for the person.
- (3) This subclause applies to a Subclass 485 (Temporary Graduate) visa held by a person if:
 - (a) the visa was granted on the basis that the person satisfied the secondary criteria for the grant of the visa as a member of the family unit of a person who holds a visa (the *primary visa*) granted on the basis of satisfying the primary criteria for the grant of a Subclass 485 (Temporary Graduate) visa; and
 - (b) subclause (2) applies to the primary visa.

2 In the appropriate position in Schedule 13

Insert:

Part 103—Amendments made by the Migration Amendment (Extension of Temporary Graduate and Skilled Regional Provisional Visas) Regulations 2022

10301 Operation of Schedule 1

The amendments made by Schedule 1 to the *Migration Amendment (Extension of Temporary Graduate and Skilled Regional Provisional Visas) Regulations 2022* apply in relation to any Subclass 485 (Temporary Graduate) visa granted before, on or after 31 January 2020.

Schedule 2—Skilled regional provisional visas

Part 1—Subclass 489 (Skilled—Regional (Provisional)) visas

Migration Regulations 1994

1 Clause 489.511 of Schedule 2

Before “If”, insert “(1)”.

2 At the end of clause 489.511 of Schedule 2

Add:

(2) However, if:

(a) disregarding this subclause, the visa is in effect on any day between 1 February 2020 and 14 December 2021; and

(b) the holder of the visa is outside Australia on that day;

the visa is a temporary visa permitting the holder to travel to, enter and remain in Australia for 7 years from the date of grant.

3 Clause 489.512 of Schedule 2

Before “If”, insert “(1)”.

4 Clause 489.512 of Schedule 2

After “date”, insert “(the *starting date*)”.

5 At the end of clause 489.512 of Schedule 2

Add:

(2) However, if:

(a) disregarding this subclause, the visa is in effect on any day between 1 February 2020 and 14 December 2021; and

(b) the holder of the visa is outside Australia on that day;

the visa is a temporary visa permitting the holder to travel to, enter and remain in Australia for 7 years after the starting date.

6 At the end of Part 103 of Schedule 13

Add:

10302 Operation of Schedule 2

The amendments made by Part 1 of Schedule 2 to the *Migration Amendment (Extension of Temporary Graduate and Skilled Regional Provisional Visas) Regulations 2022* apply in relation to any Subclass 489 (Skilled—Regional (Provisional)) visa granted before, on or after 31 January 2020, other than a visa that is cancelled before the earlier of:

(a) 18 February 2022; and

(b) the last date on which, disregarding those amendments, the holder of the visa could travel to, enter and remain in Australia under the visa.

Part 2—Subclass 491 (Skilled Work Regional (Provisional)) visas and Subclass 494 (Skilled Employer Sponsored Regional (Provisional)) visas

Migration Regulations 1994

7 Clause 491.511 of Schedule 2

Before “If”, insert “(1)”.

8 At the end of clause 491.511 of Schedule 2

Add:

- (2) However, if:
- (a) the visa is in effect on any day between 1 February 2020 and 14 December 2021; and
 - (b) the holder of the visa is outside Australia on that day; and
 - (c) disregarding this subclause, the visa is in effect on 18 February 2022;
- the visa is a temporary visa permitting the holder to travel to, enter and remain in Australia for 8 years from the date of grant.

9 Clause 491.512 of Schedule 2

Before “If”, insert “(1)”.

10 Paragraph 491.512(a) of Schedule 2

After “visa”, insert “(the *secondary visa*)”.

11 At the end of clause 491.512 of Schedule 2

Add:

- (2) However, if:
- (a) the primary visa holder’s visa is in effect on any day between 1 February 2020 and 14 December 2021; and
 - (b) the primary visa holder is outside Australia on that day; and
 - (c) the primary visa holder’s visa is in effect on 18 February 2022; and
 - (d) the secondary visa:
 - (i) is granted before 18 February 2022 and, disregarding this subclause, is in effect on 18 February 2022; or
 - (ii) is granted on or after 18 February 2022;
- the secondary visa is a temporary visa permitting the holder to travel to, enter and remain in Australia for 8 years from the date of grant of the primary visa holder’s visa.

12 Clause 494.511 of Schedule 2

Before “If”, insert “(1)”.

Schedule 2 Skilled regional provisional visas

Part 2 Subclass 491 (Skilled Work Regional (Provisional)) visas and Subclass 494 (Skilled Employer Sponsored Regional (Provisional)) visas

13 At the end of clause 494.511 of Schedule 2

Add:

- (2) However, if:
- (a) the visa is in effect on any day between 1 February 2020 and 14 December 2021; and
 - (b) the holder of the visa is outside Australia on that day; and
 - (c) disregarding this subclause, the visa is in effect on 18 February 2022;
- the visa is a temporary visa permitting the holder to travel to, enter and remain in Australia for 8 years from the date of grant.

14 Clause 494.512 of Schedule 2

Before “If”, insert “(1)”.

15 Paragraph 494.512(a) of Schedule 2

After “visa”, insert “(the *secondary visa*)”.

16 At the end of clause 494.512 of Schedule 2

Add:

- (2) However, if:
- (a) the primary visa holder’s visa is in effect on any day between 1 February 2020 and 14 December 2021; and
 - (b) the primary visa holder is outside Australia on that day; and
 - (c) the primary visa holder’s visa is in effect on 18 February 2022; and
 - (d) the secondary visa:
 - (i) is granted before 18 February 2022 and, disregarding this subclause, is in effect on 18 February 2022; or
 - (ii) is granted on or after 18 February 2022;
- the secondary visa is a temporary visa permitting the holder to travel to, enter and remain in Australia for 8 years from the date of grant of the primary visa holder’s visa.