



Migration Amendment (Pacific Australia Labour Mobility) 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 03 March 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 (Pacific Australia Labour Mobility) 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.	5 March 2022
2. Schedule 1, Part 1	5 March 2022.	5 March 2022
3. Schedule 1, Part 2	4 April 2022.	4 April 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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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—Amendments

Part 1—Australian Agriculture Worker stream

Migration Regulations 1994

1 After subparagraph 1234(2)(a)(ii) of Schedule 1

Insert:

- (ia) for an applicant seeking to satisfy the primary criteria for a Subclass 403 (Temporary Work (International Relations)) visa in the Australian Agriculture Worker stream, the amount is \$630; and

Part 2—Pacific Australia Labour Mobility stream

Migration Regulations 1994

2 After paragraph 2.56(bab)

Insert:

- (bac) the Subclass 403 (Temporary Work (International Relations)) visa in the Pacific Australia Labour Mobility stream;

3 Paragraph 1234(3)(b) of Schedule 1

Omit “(c), (caa) and (cac)”, substitute “(cac) and (cae)”.

4 Paragraphs 1234(3)(c), (ca), (caa) and (cab) of Schedule 1

Repeal the paragraphs.

5 After paragraph 1234(3)(cad) of Schedule 1

Insert:

(cae) If:

- (i) an applicant is seeking to satisfy the criteria for a Subclass 403 (Temporary Work (International Relations)) visa in the Pacific Australia Labour Mobility stream; and
- (ii) the applicant does not hold a Subclass 403 (Temporary Work (International Relations)) visa in the Pacific Australia Labour Mobility stream, the Seasonal Worker Program stream or the Pacific Labour Scheme stream when the application is made; and
- (iii) if the last substantive visa held by the applicant was a Subclass 403 (Temporary Work (International Relations)) visa in the Pacific Australia Labour Mobility stream, the Seasonal Worker Program stream or the Pacific Labour Scheme stream—that visa expired more than 28 days before the application is made;

the applicant must be outside Australia.

- (caf) If an applicant is seeking to satisfy the primary criteria for a Subclass 403 (Temporary Work (International Relations)) visa in the Pacific Australia Labour Mobility stream, the applicant must meet the requirement in subitem (3E).

6 Subitem 1234(3) of Schedule 1 (note)

Omit “the Seasonal Worker Program stream, the Pacific Labour Scheme stream, the Australian Agriculture Worker stream”, substitute “the Australian Agriculture Worker stream, the Pacific Australia Labour Mobility stream”.

7 Subitems 1234(3A) and (3C) of Schedule 1

Repeal the subitems.

8 After subitem 1234(3D) of Schedule 1

Insert:

- (3E) For the purposes of paragraph (3)(caf), an applicant meets the requirement in this subitem if:

- (a) the applicant is participating, as a worker, in the Pacific Australia Labour Mobility scheme administered by Foreign Affairs; and
- (b) the applicant specifies in the application a person who has agreed to be the applicant's sponsor in relation to the application and the person is:
 - (i) a temporary activities sponsor or a person who has applied for approval as a temporary activities sponsor but whose application has not yet been decided; and
 - (ii) participating, as an employer, in the Pacific Australia Labour Mobility scheme administered by Foreign Affairs.

9 Clause 403.111 of Schedule 2 (at the end of the note)

Add "For *adverse information*: see regulation 1.13A."

10 Division 403.2 of Schedule 2 (note)

Omit "403.28" (wherever occurring), substitute "403.29".

11 Subdivisions 403.26 and 403.27 of Schedule 2

Repeal the Subdivisions.

12 At the end of Division 403.2 of Schedule 2

Add:

403.29—Criteria for the Pacific Australia Labour Mobility stream

Note: These criteria are only for applicants being assessed against the primary criteria for a Subclass 403 visa in the Pacific Australia Labour Mobility stream.

403.291

Each of the following applies:

- (a) the applicant is participating, as a worker, in the Pacific Australia Labour Mobility scheme administered by Foreign Affairs;
- (b) an approved sponsor has agreed to be the sponsor of the applicant and the sponsor is:
 - (i) a temporary activities sponsor; and
 - (ii) participating, as an employer, in the Pacific Australia Labour Mobility scheme administered by Foreign Affairs;
- (c) the sponsor has not withdrawn the sponsor's agreement to be the sponsor of the applicant;
- (d) the sponsor has not ceased to be the sponsor of the applicant;
- (e) either:
 - (i) there is no adverse information known to Immigration about the sponsor or a person associated with the sponsor; or
 - (ii) it is reasonable to disregard any adverse information known to Immigration about the sponsor or a person associated with the sponsor;
- (f) the applicant:
 - (i) is seeking to enter Australia for the purposes of the Pacific Australia Labour Mobility scheme administered by Foreign Affairs; or
 - (ii) is in Australia and holds, or the last substantive visa held by the applicant was, a Subclass 403 visa in the Pacific Australia Labour

Mobility stream, the Seasonal Worker Program stream or the Pacific Labour Scheme stream;

(g) the applicant satisfies public interest criteria 4005 and 4019.

13 Subclause 403.411(2A) of Schedule 2

Repeal the subclause.

14 After subclause 403.411(2B) of Schedule 2

Insert:

(2C) An applicant who satisfies the primary criteria for the grant of a Subclass 403 visa in the Pacific Australia Labour Mobility stream:

- (a) if the applicant holds, or the last substantive visa held by the applicant was, a Subclass 403 (Temporary Work (International Relations)) visa in the Pacific Australia Labour Mobility stream, the Seasonal Worker Program stream or the Pacific Labour Scheme stream—may be in or outside Australia, but not in immigration clearance, when the visa is granted; or
- (b) otherwise—must be outside Australia when the visa is granted.

15 Subclause 403.411(3) of Schedule 2

Omit “(2A) or (2B)”, substitute “(2B) or (2C)”.

16 Clauses 403.614 and 403.615 of Schedule 2

Repeal the clauses.

17 At the end of Division 403.6 of Schedule 2

Add:

403.617

- (1) This clause applies to an applicant who satisfies the primary criteria for the grant of a Subclass 403 visa in the Pacific Australia Labour Mobility stream.
- (2) The visa is subject to conditions 8303, 8501 and 8611.
- (3) Conditions 8301, 8502, 8503, 8516, 8525, 8576 and 8578 may be imposed.

18 Clause 8577 of Schedule 8

Repeal the clause.

19 Clause 8611 of Schedule 8

After “Worker”, insert “stream or the Pacific Australia Labour Mobility”.

20 In the appropriate position in Schedule 13

Insert:

Part 104—Amendments made by the Migration Amendment (Pacific Australia Labour Mobility) Regulations 2022

10401 Operation of Part 2 of Schedule 1

Despite the amendments of item 1234 of Schedule 1, Part 403 of Schedule 2 and clause 8577 of Schedule 8 to these Regulations made by Part 2 of Schedule 1 to the *Migration Amendment (Pacific Australia Labour Mobility) Regulations 2022*, those provisions, as in force immediately before 4 April 2022, continue to apply in relation to the following as if the amendments had not been made:

- (a) an application for a visa made before 4 April 2022;
- (b) a visa granted before that day;
- (c) a visa granted on or after that day, if the visa is granted as a result of an application for the visa made before that day.