



Australian Government

Department of Home Affairs

LIN 22/042

**Migration (Nil VAC for Work and Holiday and Working Holiday visas)
Instrument (LIN 22/042) 2022**

I, Paul Denman, delegate of the Minister, make this instrument under subregulation 2.07(5) of the *Migration Regulations 1994* (the **Regulations**).

Dated 4 March 2022

Paul Denman
Acting Senior Executive Band 1
Immigration Programs Division
Department of Home Affairs

1 Name

This instrument is the *Migration (Nil VAC for Work and Holiday and Working Holiday visas) Instrument (LIN 22/042) 2022*.

2 Commencement

This instrument commences on 5 March 2022.

Note This instrument may apply retrospectively—see *Legislation Act 2003*, subsection 12(2).

3 Definitions

In this instrument:

excluded applicant means an applicant who has applied for:

- (a) a subclass 417 visa; or
- (b) a subclass 462 visa

with nil VAC and:

- (c) the applicant has been granted the visa; or
- (d) the applicant has been refused the visa; or
- (e) the application is not finalised.

subclass 417 visa means Working Holiday (Subclass 417) visa.

subclass 462 visa means Work and Holiday (Subclass 462) visa.

VAC means visa application charge.

Note 1 For the meaning of ***offshore COVID-19 affected visa*** and ***onshore COVID-19 affected visa***—see the Regulations, regulation 1.15P.

Note 2 For the meaning of ***visa application charge***—see *Migration Act 1958*, section 5.

4 Class of persons for nil VAC—subclass 417 visa

- (1) For subparagraph 1225(2)(a)(i) of Schedule 1 to the Regulations, an applicant mentioned in subsection (2) or (3) is specified.
- (2) An applicant who:
 - (a) applies for a subclass 417 visa outside Australia; and
 - (b) last held an offshore COVID-19 affected visa; and
 - (c) is not an excluded applicant.
- (3) An applicant who:
 - (a) applies for a subclass 417 visa in Australia; and
 - (b) held an onshore COVID-19 affected visa; and
 - (c) is not an excluded applicant.

5 Class of persons for nil VAC—subclass 462 visa

- (1) For subparagraph 1224A(2)(a)(i) of Schedule 1 to the Regulations, an applicant mentioned in subsection (2) or (3) is specified.
- (2) An applicant who:
 - (a) applies for a subclass 462 visa outside Australia; and
 - (b) last held an offshore COVID-19 affected visa; and
 - (c) is not an excluded applicant.
- (3) An applicant who:
 - (a) applies for a subclass 462 visa in Australia; and
 - (b) held an onshore COVID-19 affected visa; and

(c) is not an excluded applicant.

6 Repeal

Migration (Class of persons: Nil VAC for Work and Holiday and Working Holiday visas) Instrument (LIN 21/043) 2021 is repealed.
