

LIN 22/046

**Migration (COVID-19 Pandemic event for Temporary Activity
(Subclass 408) visa) Instrument (LIN 22/046) 2022**

made under the *Migration Regulations 1994*

Compilation no. 1

Compilation date 2 September 2023

This compilation was prepared by the Department of Home Affairs on 2 September 2023 taking into account amendments up to *Migration (COVID-19 Pandemic event for Temporary Activity (Subclass 408) visa) Amendment Instrument (LIN 23/061) 2023*.

About this compilation

This compilation

This is a compilation of the *Migration (COVID-19 Pandemic event for Temporary Activity (Subclass 408) visa) Instrument (LIN 22/046) 2022* that shows the text of the law as amended and in force on 2 September 2023 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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1 Name

This instrument is the *Migration (COVID-19 Pandemic event for Temporary Activity (Subclass 408) visa) Instrument (LIN 22/046) 2022*.

3 Application

This instrument applies to applications made on or after 21 February 2022.

Note Applications made under *Migration (LIN 20/229: COVID-19 Pandemic event for Subclass 408 (Temporary Activity) visa and visa application charge for Temporary Activity (Class GG) visa) Instrument 2020*, before the commencement of this instrument, can be assessed against the criteria specified in that instrument.

3A Application of amendments made by LIN 23/061

The amendments made by the *Migration (COVID-19 Pandemic event for Temporary Activity (Subclass 408) visa) Amendment Instrument (LIN 23/061) 2023* apply to an application for a Subclass 408 (Temporary Activity) visa made on or after the commencement of that instrument.

4 Definitions

In this instrument

COVID-19 pandemic means the pandemic declared by the World Health Organization on 11 March 2020, caused by the coronavirus COVID-19.

COVID-19 pandemic event 408 visa has the same meaning as in Division 3 of Part 92 of Schedule 13 to the Regulations.

5 Event

For paragraph 408.229(b) of Schedule 2 and subclause 9204(2) of Schedule 13 to the Regulations, the COVID-19 pandemic is specified.

6 Class of persons

- (1) For paragraph 408.229(c) of Schedule 2 to the Regulations, an applicant mentioned in subsection (2) is in a specified class of persons for the event mentioned in section 5.
- (2) An applicant who, at the time of application:
 - (a) is in Australia; and
 - (b) is working, or in receipt of an offer to work, in Australia; and
 - (c) either:
 - (i) holds a COVID-19 pandemic event 408 visa that is 28 days or less from ceasing to be in effect; or
 - (ii) held a COVID-19 pandemic event 408 visa that ceased to be in effect not more than 28 days before the application for a Subclass 408 (Temporary Activity) visa is made.

Notes

This compilation comprises *Migration (COVID-19 Pandemic event for Temporary Activity (Subclass 408) visa) Instrument (LIN 22/046) 2022* amended as indicated in the following tables.

Table of instruments

Name	Registration	Number	Commencement	Application, saving or transitional provisions
<i>Migration (COVID-19 Pandemic event for Temporary Activity (Subclass 408) visa) Instrument (LIN 22/046) 2022</i>	15 March 2022	F2022L00316	16 March 2022	3
<i>Migration (COVID-19 Pandemic event for Temporary Activity (Subclass 408) visa) Amendment Instrument (LIN 23/061) 2023</i>	1 September 2023	F2023L01167	2 September 2023	3A

Table of amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
section 2.....	rep. <i>Legislation Act 2003</i> , s. 48D
section 3A.....	ad. F2023L01167
section 4	am. F2023L01167
section 6	am. F2023L01167
section 7	rep. F2023L01167
section 8.....	rep. <i>Legislation Act 2003</i> , s. 48C