



Australian Government

Department of Home Affairs

LIN 22/046

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

I, Paul Denman, delegate of the Minister, make this instrument under subregulation 2.07(5) of, paragraph 408.229(b) of Schedule 2 to, and subclause 9204(2) of Schedule 13 to, the *Migration Regulations 1994* (the **Regulations**).

Dated 11 March 2022

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

1 Name

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

2 Commencement

This instrument commences on the day after it is registered.

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.

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.

relevant temporary visa means a substantive temporary visa other than a Subclass 403 Seasonal Worker visa.

Subclass 403 Seasonal Worker visa means a Subclass 403 (Temporary Work (International Relations)) visa in the Seasonal Worker Program stream.

Subclass 408 visa means a Subclass 408 (Temporary Activity) visa.

substantive temporary visa means a substantive visa other than a permanent visa.

work rights means a visa that permits work.

Note **permanent visa**, **substantive visa** and **temporary visa** are defined in the *Migration Act 1958*.

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), (3), (4) or (5) 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 relevant temporary visa with work rights that is 90 days or less from ceasing to be in effect; or
 - (ii) held a relevant temporary visa with work rights that ceased to be in effect not more than 28 days before the application for a Subclass 408 visa is made.
- (3) An applicant who, at the time of application:
 - (a) last arrived in Australia before 21 February 2022; and
 - (b) is in Australia; and

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- (c) is working, or in receipt of an offer to work, in Australia; and
 - (d) either:
 - (i) holds a substantive temporary visa without work rights that is 90 days or less from ceasing to be in effect; or
 - (ii) held a substantive temporary visa without work rights that ceased to be in effect not more than 28 days before the application for a Subclass 408 visa is made.
- (4) An applicant who, at the time of application:
- (a) is in Australia; and
 - (b) is employed by, or in receipt of an offer of employment from a Commonwealth funded aged care service; and
 - (c) either:
 - (i) holds a relevant temporary visa that is 90 days or less from ceasing to be in effect; or
 - (ii) held a relevant temporary visa that ceased to be in effect not more than 28 days before the application for a Subclass 408 visa is made.
- (5) An applicant who, at the time of application:
- (a) is in Australia; and
 - (b) either:
 - (i) holds a Subclass 403 Seasonal Worker visa that is 90 days or less from ceasing to be in effect; or
 - (ii) held a Subclass 403 Seasonal Worker visa that ceased to be in effect not more than 28 days before the application for a Subclass 408 visa is made; and
 - (c) is employed by, or in receipt of an offer of employment from, an approved employer under the Seasonal Worker Program.

7 Visa application charge

For subparagraph 1237(2)(a)(i) of Schedule 1 to the Regulations, the visa application charge is nil for the classes of persons mentioned in section 6.

Note **visa application charge** is defined in the Regulations.

8 Repeal

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 is repealed.