



## **Migration Amendment (2022 Measures No. 2) 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 31 March 2022

David Hurley  
Governor-General

By His Excellency's Command

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

---



---

# Contents

1	Name.....	1
2	Commencement .....	1
3	Authority.....	1
4	Schedules.....	1
<b>Schedule 1—Subclass 476 (Skilled—Recognised Graduate) visas</b>		<b>2</b>
Part 1—Main amendments		2
<i>Migration Regulations 1994</i>		2
Part 2—Application of amendments		3
<i>Migration Regulations 1994</i>		3
<b>Schedule 2—Electronic Travel Authority (Class UD) visas</b>		<b>4</b>
Part 1—Main amendments		4
<i>Migration Regulations 1994</i>		4
Part 2—Application of amendments		6
<i>Migration Regulations 1994</i>		6
<b>Schedule 3—Temporary Skill Shortage (Class GK) visas</b>		<b>7</b>
<i>Migration Regulations 1994</i>		7



---

## 1 Name

This instrument is the *Migration Amendment (2022 Measures No. 2) 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 April 2022
2. Schedule 1	31 January 2020.	31 January 2020
3. Schedule 2	5 April 2022.	5 April 2022
4. Schedule 3	1 July 2022.	1 July 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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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—Subclass 476 (Skilled—Recognised Graduate) visas

### Part 1—Main amendments

#### *Migration Regulations 1994*

#### 1 At the end of Division 476.5 of Schedule 2

Add:

##### 476.512

- (1) Despite clause 476.511, 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 14 April 2024.
- (2) This subclause applies to a Subclass 476 visa at and after the end of the date (the ***original end date***) specified by the Minister in relation to the visa as mentioned in clause 476.511 if:
  - (a) the visa was granted on the basis that the person to whom it was granted satisfied the primary criteria for the grant of the visa; and
  - (b) the person was outside Australia on a day to which all of the following subparagraphs apply:
    - (i) the day occurred on or before the original end date;
    - (ii) the day occurred between 1 February 2020 and 14 December 2021;
    - (iii) the visa was in effect on the day; and
  - (c) the original end date occurs before 14 April 2024; and
  - (d) the visa is not cancelled on or before the original end date.
- (3) This subclause applies to a Subclass 476 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 476 visa; and
  - (b) subclause (2) applies to the primary visa.

## **Part 2—Application of amendments**

### ***Migration Regulations 1994***

#### **2 In the appropriate position in Schedule 13**

Insert:

### **Part 107—Amendments made by the Migration Amendment (2022 Measures No. 2) Regulations 2022**

#### **10701 Operation of Schedule 1 (Subclass 476 (Skilled—Recognised Graduate) visas)**

The amendments made by Part 1 of Schedule 1 to the *Migration Amendment (2022 Measures No. 2) Regulations 2022* apply to a Subclass 476 (Skilled—Recognised Graduate) visa if:

- (a) the visa:
  - (i) was granted before 31 January 2020; and
  - (ii) did not cease to be in effect before 31 January 2020; or
- (b) the visa is granted on or after 31 January 2020.

## Schedule 2—Electronic Travel Authority (Class UD) visas

### Part 1—Main amendments

#### *Migration Regulations 1994*

##### **1 Before subregulation 2.07AB(1)**

Insert:

(1AA) For the purposes of subsection 46(2) of the Act:

- (a) the Electronic Travel Authority (Class UD) visa class is prescribed; and
- (b) an application for a visa of that class is taken to have been validly made in the circumstances set out in subregulation (1) or (2) of this regulation (despite anything in regulation 2.07 or 2.10).

Note 1: An application made in accordance with subregulation (1) or (2) does not need to be made:

- (a) in the approved form mentioned in subitem 1208A(1) of Schedule 1; or
- (b) in the manner or at the place mentioned in paragraph 1208A(3)(a) of Schedule 1.

Note 2: The visa application charge for an application for an Electronic Travel Authority (Class UD) visa is nil: see subitem 1208A(2) of Schedule 1.

##### **2 Subregulation 2.07AB(1)**

Omit “For the purposes of sections 45 and 46 of the Act, an”, substitute “An”.

##### **3 Subregulation 2.07AB(1)**

Omit “in Australia (except in immigration clearance), or outside Australia”, substitute “by the applicant while outside Australia”.

##### **4 Subregulation 2.07AB(1)**

Omit “his or her passport details”, substitute “details of an ETA-eligible passport held by the applicant”.

##### **5 Paragraph 2.07AB(1)(g)**

Repeal the paragraph, substitute:

- (g) an office (whether in or outside Australia) of an agent who is approved in writing by the Minister as an agent with whom an application for an Electronic Travel Authority (Class UD) visa may be made.

##### **6 Subregulation 2.07AB(2)**

Omit “For the purposes of sections 45 and 46 of the Act, an”, substitute “An”.

##### **7 Paragraph 2.07AB(2)(a)**

After “passport”, insert “held by the applicant”.

##### **8 Subregulations 2.07AB(3) and (4)**

Repeal the subregulations.



### **9 Subitem 1208A(1) of Schedule 1**

Repeal the subitem (including the note), substitute:

- (1) Form: The approved form specified by the Minister in a legislative instrument made for the purposes of this item under subregulation 2.07(5).

Note: See regulation 2.07AB for an alternative to making an application using the approved form.

### **10 Paragraphs 1208A(3)(a) to (e) of Schedule 1**

Repeal the paragraphs, substitute:

- (a) An application must be made at the place, and in the manner, (if any) specified by the Minister in a legislative instrument made for the purposes of this item under subregulation 2.07(5).
- (b) An applicant must be:
- (i) in immigration clearance; or
  - (ii) outside Australia.

### **11 Clause 601.411 of Schedule 2**

Omit “application is made in immigration clearance”, substitute “applicant is in immigration clearance at the time of application”.

### **12 Clause 601.412 of Schedule 2**

Omit “application is made outside Australia”, substitute “applicant is outside Australia at the time of application”.

## Part 2—Application of amendments

### *Migration Regulations 1994*

#### **13 At the end of Part 107 of Schedule 13**

Add:

#### **10702 Operation of Schedule 2 (Electronic Travel Authority (Class UD) visas)**

- (1) The amendments made by Part 1 of Schedule 2 to the *Migration Amendment (2022 Measures No. 2) Regulations 2022* apply in relation to an application for a visa made on or after 5 April 2022.
- (2) For the purposes of paragraph 2.07AB(1)(g), as amended by Part 1 of Schedule 2 to the *Migration Amendment (2022 Measures No. 2) Regulations 2022*, an approval by the Minister that:
  - (a) is an approval of an agent as an agent with whom an application for an Electronic Travel Authority (Class UD) visa may be made; and
  - (b) was in force immediately before 5 April 2022;has effect, on and after 5 April 2022, as if it had been made for the purposes of that paragraph.

## **Schedule 3—Temporary Skill Shortage (Class GK) visas**

### ***Migration Regulations 1994***

#### **1 Subparagraph 1240(3)(b)(ii) of Schedule 1**

Repeal the subparagraph, substitute:

- (ii) either the applicant is not covered by subitem (3A) and has held 2 or more Subclass 482 (Temporary Skill Shortage) visas in the Short-term stream or the applicant is covered by subitem (3A) and has held 3 or more Subclass 482 (Temporary Skill Shortage) visas in the Short-term stream; and

#### **2 After subitem 1240(3) of Schedule 1**

Insert:

(3A) This subitem covers an applicant if:

- (a) during the period beginning on 1 February 2020 and ending at the end of 14 December 2021, the applicant was in Australia as the holder of a Subclass 482 (Temporary Skill Shortage) visa in the Short-term stream for one or more periods that total at least 12 months; and
- (b) the application referred to in subparagraph (3)(b)(i) is made before:
  - (i) 1 July 2023, unless subparagraph (ii) applies; or
  - (ii) if the Minister has specified a later day in an instrument under subitem (3B)—that later day.

(3B) The Minister may, by legislative instrument, specify a day for the purposes of subparagraph (3A)(b)(ii).

#### **3 At the end of Part 107 of Schedule 13**

Add:

#### **10703 Operation of Schedule 3 (Temporary Skill Shortage (Class GK) visas)**

The amendments made by Schedule 3 to the *Migration Amendment (2022 Measures No. 2) Regulations 2022* apply in relation to an application referred to in subparagraph 1240(3)(b)(i) of Schedule 1 to these Regulations that is made on or after the commencement of those amendments.