



## **Migration Amendment (Training Visas— Sponsorship Requirements) Regulations 2026**

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I, the Honourable Sam Mostyn AC, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated                    5 March 2026

Sam Mostyn AC  
Governor-General

By Her Excellency's Command

Tony Burke  
Minister for Home Affairs

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## 1 Name

This instrument is the *Migration Amendment (Training Visas—Sponsorship Requirements) Regulations 2026*.

## 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. The whole of this instrument	The day after this instrument is registered.	11 March 2026

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

### *Migration Regulations 1994*

#### **1 Subclause 1238(3) of Schedule 1 (table item 4)**

Repeal the item, substitute:

- 4 The person specified in an application for the purposes of item 3 must be a temporary activities sponsor

#### **2 Subclause 1238(3) of Schedule 1 (table item 5, column headed “Requirements”, paragraphs (a) and (b))**

Repeal the paragraphs, substitute:

- (a) the person must have nominated a program of occupational training in relation to the applicant under paragraph 140GB(1)(b) of the Act; and
- (b) the nomination must have been approved under subsection 140GB(2) of the Act; and
- (c) the approval must not have ceased under regulation 2.75A; and
- (d) the application must identify the nomination

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

Insert:

## **Part 160—Amendments made by the Migration Amendment (Training Visas—Sponsorship Requirements) Regulations 2026**

### **16001 Operation of amendments**

The amendments made by Schedule 1 to the *Migration Amendment (Training Visas—Sponsorship Requirements) Regulations 2026* apply in relation to an application for a visa made on or after the commencement of that Schedule.

## EXPLANATORY STATEMENT

Issued by the Minister for Home Affairs

*Migration Act 1958*

*Migration Amendment (Training Visas—Sponsorship Requirements) Regulations 2026*

The *Migration Act 1958* (the Migration Act) is an Act relating to the entry into, and presence in, Australia of aliens, and the departure or deportation from Australia of aliens and certain other persons.

Subsection 46(3) of the Migration Act provides that the regulations may prescribe criteria that must be satisfied for an application for a visa of a specified class to be a valid application. Subsection 46(4) of the Migration Act relevantly provides that, without limiting subsection 46(3), the regulations may also prescribe the circumstances that must exist for an application for a visa of a specified class to be a valid application.

Subsection 504(1) of the Migration Act provides that the Governor-General may make regulations, not inconsistent with the Migration Act, prescribing matters required or permitted to be prescribed, or necessary or convenient to be prescribed, for carrying out or giving effect to the Migration Act.

The *Migration Amendment (Training Visas—Sponsorship Requirements) Regulations 2026* (the Amendment Regulations) amends the Migration Regulations to update the requirements for making a valid application for a Class GF visa, which only includes one visa subclass, the Subclass 407 (Training) visa (Subclass 407 visa).

The Subclass 407 visa can be granted for a period of up to two years and is intended for individuals to complete workplace-based training (to improve skills for their current occupation, area of tertiary study or field of expertise), or a professional development training program.

The Amendment Regulations provide that in order for an applicant to make a valid application for a Subclass 407 visa, the applicant must have an approved temporary activities sponsor and if the sponsor is not a Commonwealth agency, the applicant must also have a current, approved nomination for a program of occupational training. Prior to these amendments, an application for a temporary activities sponsor, nomination and Subclass 407 visa could be made concurrently, with temporary activities sponsor and nomination approval required prior to the grant of a Subclass 407 visa.

These purpose of these amendments is to strengthen the integrity of the Subclass 407 visa by preventing valid visa applications being made for the Class GF visa for purposes other than workplace based training or professional development, including where the intention is to bypass skilled migration pathways or to extend an onshore visa holder's stay in Australia. An approved temporary activities sponsor must demonstrate, amongst other matters, that the proposed program of training is specifically tailored and timed to the training needs of the nominated person.

These amendments address integrity concerns identified by the Department of Home Affairs (the Department) in relation to the current operation of the Subclass 407 visa program,

including a significant increase in onshore applications for the visa since the middle of 2024. Those integrity concerns include applicants seeking to access the Training visa program for reasons other than to pursue workplace based or professional related training. This increase has resulted in lengthier processing times for applicants who are seeking genuine training opportunities in Australia. At the same time, the numbers of nomination applications not meeting legislative requirements for approval has also increased.

These amendments do not affect current arrangements that allow a sponsor that is a Commonwealth agency to be exempt from any requirement to nominate a program of occupational training.

A Statement of Compatibility with Human Rights (the Statement) has been completed in accordance with the *Human Rights (Parliamentary Scrutiny) Act 2011*. The overall assessment is that the Amendment Regulations are compatible with human rights because it promotes the protection of human rights, and to the extent that it limits human rights, those limitations are reasonable, necessary and proportionate to achieving a legitimate objective.

The Statement is at [Attachment A](#).

Section 17 of the *Legislation Act 2003* (the Legislation Act) provides that the rule maker must be satisfied that consultation has been undertaken that is appropriate and reasonably practicable before making a legislative instrument.

The Department has consulted with the Department of the Prime Minister and Cabinet, the Treasury, and Jobs and Skills Australia on these amendments. Further consultation was not viewed as being necessary. Consultation with end users of the program, such as employers or training organisations, was not appropriate as it would risk undermining the effectiveness of the change and potentially lead to further growth in the visa program.

The Amendment Regulations commence on the day after registration.

Further details of the Amendment Regulations are set out in [Attachment B](#).

The Amendment Regulations amend the Migration Regulations, which are exempt from sunseting under table item 38A of section 12 of the *Legislation (Exemptions and Other Matters) Regulation 2015*. The Migration Regulations are exempt from sunseting on the basis that the repeal and remaking of the Migration Regulations:

- is unnecessary as the Migration Regulations are regularly amended numerous times each year to update policy settings for immigration programs;
- would require complex and difficult to administer transitional provisions to ensure, amongst other things, the position of the many people who hold Australian visas, and similarly, there would likely be a significant impact on undecided visa and sponsorship applications; and
- would demand complicated and costly systems, training and operational changes that would impose significant strain on Government resources and the Australian public for insignificant gain, while not advancing the aims of the Legislation Act.

The Amendment Regulations will be repealed by operation of Division 1 of Part 3 of Chapter 3 of the Legislation Act. Specifically, that Division (under section 48A) operates to automatically repeal a legislative instrument that has the sole purpose of amending or repealing another instrument. As the Amendment Regulations will automatically repeal, they do not engage the sunseting framework under Part 4 of the Legislation Act.

The Migration Act specifies no conditions that need to be satisfied before the power to make the Amendment Regulations may be exercised.

The Amendment Regulations are a legislative instrument for the purposes of the Legislation Act.

## Statement of Compatibility with Human Rights

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

### **Migration Amendment (Training Visas—Sponsorship Requirements) Regulations 2026**

This Disallowable Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

#### **Overview of the Disallowable Legislative Instrument**

The purpose of the *Migration Amendment (Training Visas—Sponsorship Requirements) Regulations 2026* (the Instrument) is to amend the *Migration Regulations 1994* (the Migration Regulations) to update the requirements for making a valid application for a **Class GF visa, which only includes one visa subclass, the Subclass 407 (Training) visa** (Subclass 407 visa).

A Subclass 407 visa can be granted for up to two years and is intended for individuals to complete workplace-based training (to improve skills for their current occupation, area of tertiary study or field of expertise), or a professional development training program.

The Instrument provides that in order for an applicant to make a valid application for a Subclass 407 visa, the applicant must have an approved temporary activities sponsor and if the sponsor is not a Commonwealth agency, an approved nomination for a program of training. Prior to these amendments, an application for a temporary activities sponsor, nomination and the Subclass 407 visa could be made concurrently, with temporary activities sponsor and nomination approval required prior to the grant of the Subclass 407 visa.

**A temporary activities sponsor is a person who is an approved work sponsor, and is approved as a work sponsor in relation to the temporary activities sponsor class** by the Minister under subsection 140E(1) of the Migration Act.

These amendments do not affect current arrangements that allow a sponsor that is a Commonwealth agency to be exempt from any requirement to nominate a program of occupational training.

The Department has identified integrity concerns in relation to the current operation of the Subclass 407 visa program, including a significant increase in onshore applications for a Subclass 407 visa since the middle of 2024 which has resulted in lengthier processing times.

The Instrument seeks to address inefficiencies and integrity concerns within the Subclass 407 visa program by deterring sponsorship, nomination and visa applications that are not made for the purposes of genuine training, including where the intention is to extend an onshore visa

holder's stay in Australia or to bypass skilled migration pathways. Reducing the processing times will also benefit genuine applicants who are seeking training opportunities in Australia.

### **Human rights implications**

This Disallowable Legislative Instrument engages the following rights:

- the right to work in Article 6(1) of the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*; and
- the right to education in Article 13(1) of the ICESCR.

### **Right to work and right to education**

Article 6(1) of the ICESCR states:

*The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.*

Article 13(1) of the ICESCR states:

*The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.*

The Instrument engages with these rights as the Subclass 407 visa enables access to workplace based training or professional development in Australia.

The Instrument will update the validity requirements to enable the Department to shift how it operationalises assessment of training visa applications, by preventing an applicant from making an application for the Subclass 407 visa at the same time that a prospective sponsor applies to be a temporary activities sponsor or makes a nomination application for a program of training. The Instrument operates to provide that, in order to make a valid application, an applicant must have an approved temporary activities sponsor and, if the sponsor is not a Commonwealth agency, an approved nomination for a program of training.

Due to an increase in the number of disingenuous applications for the Subclass 407 visa, the application processing time has been negatively impacted. The Instrument intends to streamline the application process by deterring non-genuine applications for the Subclass 407 visa, reducing the volume of visas to be considered in this category. The intended outcome is to enable genuine applicants to gain more efficient access to the training and education requirements associated with their Subclass 407 visa (be it workplace based training to improve skills for a current occupation, area of tertiary study or field of expertise, or a professional development training program). These changes therefore positively engage the right to work and education.

To the extent that these rights may be limited by the Instrument (i.e. the application for the Subclass 407 visa is delayed awaiting a sponsor's approval as a temporary activities sponsor),

the impact is reasonable, proportionate, and necessary to the legitimate objective of protecting the integrity of the Subclass 407 visa program.

### **Conclusion**

This Disallowable Legislative Instrument is compatible with human rights because it promotes the protection of human rights, and to the extent that it limits human rights, those limitations are reasonable, necessary and proportionate to achieving a legitimate objective.

**The Hon Tony Burke MP**  
**Minister for Home Affairs**

**Details of the Migration Amendment (Training Visas—Sponsorship Requirements) Regulations 2026**

**Section 1 – Name of Regulations**

This section provides that the title of the Regulations is the *Migration Amendment (Training Visas—Sponsorship Requirements) Regulations 2026*.

**Section 2 – Commencement**

This section provides for the commencement of the provisions of this instrument.

Subsection 2(1) provides that each provision of the 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.

Table item 1 provides that the whole of this instrument commences on the day after registration.

The note clarifies that this table relates only to the provisions of this instrument as originally enacted, and that it will not be amended to deal with any later amendments of this instrument.

**Section 3 – Authority**

This section provides that the *Migration Amendment (Training Visas—Sponsorship Requirements) Regulations 2026* is made under the *Migration Act 1958*.

**Section 4 – Schedules**

This section provides that 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**

***Migration Regulations 1994***

**Item [1] – Subclause 1238(3) of Schedule 1 (table item 4)**

Subclause 1238(3) of Schedule 1 to the Migration Regulations sets out requirements in a table that must be satisfied to make a valid application for a Training (Class GF) visa (Class GF visa). The Class GF visa only contains one visa subclass, the Subclass 407 (Training) visa (Subclass 407 visa). These requirements must be satisfied in addition to the requirements set out in subclauses 1238(1) and (2), which relate to the applicable approved form and the visa application charge.

Item 3 of the table to subclause 1238(3) provides that an application for a Class GF visa must specify the person who has agreed to be the applicant's approved sponsor. Item 4 of the table previously set out, for the purposes of item 3, the following types of sponsors (or

persons who have applied for approval as a sponsor) that may be specified in the application:

- 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; or
- for an application lodged on or before 18 May 2017 – a professional development sponsor or a training and research sponsor, or a person who has applied for approval for either, but whose application has not yet been decided.

The term *temporary activities sponsor* is defined under regulation 1.03 of the Migration Regulations as a person who is an approved work sponsor, and is approved as a work sponsor in relation to the temporary activities sponsor class by the Minister under subsection 140E(1) of the Act.

This item repeals and substitutes item 4 to require that the person specified in an application for the purposes of item 3 must be a temporary activities sponsor.

The effect is that the person who has agreed to be an applicant's sponsor, as specified in their application for a Class GF visa, must have been approved by the Minister as a temporary activities sponsor. The purpose of this amendment is to update the visa validity requirements to ensure that subject to satisfying all other visa validity requirements, only an applicant for a Class GF visa, who has an approved temporary activities sponsor would be able to make a valid application for a Class GF visa.

**Item [2] – Subclause 1238(3) of Schedule 1 (table item 5, column headed “Requirements”, paragraphs (a) and (b))**

This item repeals paragraphs (a) and (b) to the column headed “Requirements” under item 5 in the table in Subclause 1238(3) of Schedule 1 to the Migration Regulations, and substitutes new paragraphs (a)-(d) that provide for new requirements relating to the approval of a nomination for an applicant for a Class GF visa.

The amendments operate to require an applicant for a Class GF visa to be subject to an approved nomination of a program of occupational training in order to make a valid application. If the approved temporary activities sponsor is not a Commonwealth agency, the person specified as the applicant's sponsor in their application must:

- have nominated a program of occupational training in relation to the applicant under paragraph 140GB(1)(b) of the Act; and
- the nomination must have been approved under subsection 140GB(2) of the Act; and
- the approval must not have ceased under regulation 2.75A; and
- the application must identify the nomination.

These amendments do not affect the current exemption for a Commonwealth agency from any requirement to nominate a program of occupational training.

The effect of this amendment is to ensure that an applicant will only be able to make a valid application for a Class GF visa in circumstances where the nominated program of training has been found to meet legislative requirements.

The amendments made by items [1] and [2] operate together to prescribe new criteria that require the Minister to have approved the prospective sponsor's application as a temporary activities sponsor and nomination for a program of occupational training in order for an applicant to make a valid application for a Class GF visa.

The intention is to strengthen the integrity of the Subclass 407 (Training) visa program by preventing applicants who do not seek to pursue genuine training from making a valid application for the Class GF visa, including where the intention of the application is to extend an onshore visa holder's stay in Australia.

**Item [3] – In the appropriate position in Schedule 13**

This item inserts Part 160 into Schedule 13 to the Migration Regulations to provide for the application of these amendments.

This provision provides that the amendments made by Schedule 1 to the *Migration Regulations (Training Visa—Sponsorship Requirements) Regulations 2026* apply in relation to an application for a visa made on or after the commencement of that Schedule.