



LIN 26/021

Migration (Temporary Visa Subclasses for PIC 4005 and 4007) Instrument 2026

I, Lila Caplice, delegate of the Minister, make the following instrument.

Dated 17 February 2026

Lila Caplice
Executive Level 2 / Senior Director
Health Policy and Assurance Branch
Chief Medical Officer Division
Department of Home Affairs

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1 Name

This instrument is the *Migration (Temporary Visa Subclasses for PIC 4005 and 4007) Instrument 2026*.

2 Commencement

This instrument commences **on the day after it is registered.**

3 Authority

This instrument is made under subparagraphs 4005(2)(b)(ii) and 4007(1A)(b)(ii) of Schedule 4 to the *Migration Regulations 1994*.

4 Definitions

Note: A number of expressions used in this instrument are defined in section 5 of the Act, including the following:

- (a) non-citizen;
- (b) temporary visa.

In this instrument:

Act means the *Migration Act 1958*.

commencement day means the day on which this instrument commences.

Regulations means *Migration Regulations 1994*.

5 Schedule

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

6 Temporary visa subclasses

For the purposes of subparagraphs 4005(2)(b)(ii) and 4007(1A)(b)(ii) of Schedule 4 to the Regulations, a visa subclass mentioned in an item in the following table is specified.

Item	Subclass
1	Subclass 160 (Business Owner (Provisional))
2	Subclass 161 (Senior Executive (Provisional))
3	Subclass 162 (Investor (Provisional))
4	Subclass 163 (State/Territory Sponsored Business Owner (Provisional))
5	Subclass 164 (State/Territory Sponsored Senior Executive (Provisional))
6	Subclass 165 (State/Territory Sponsored Investor (Provisional))

7	Subclass 173 (Contributory Parent (Temporary))
8	Subclass 188 (Business Innovation and Investment (Provisional))
9	Subclass 300 (Prospective Marriage)
10	Subclass 309 (Partner (Provisional))
11	Subclass 445 (Dependent Child)
12	Subclass 489 (Skilled Regional (Provisional))
13	Subclass 491 (Skilled Work Regional (Provisional))
14	Subclass 494 (Skilled Employer Sponsored Regional (Provisional))
15	Subclass 820 (Partner)
16	Subclass 884 (Contributory Aged Parent (Temporary))

7 Operation of this instrument

Despite the repeal of *Migration (Temporary visa subclass for the purpose of health requirement) Specification (LIN 22/007) 2022 (LIN 22/007)* by Schedule 1 to this instrument, LIN 22/007 as in force immediately before the commencement day continues to apply in relation to an application for a visa if:

- (a) the application is taken to have been made by a person before, on or after the commencement day in accordance with regulation 2.08 or 2.08B of the Regulations; and
- (b) for an application taken to have been made in accordance with regulation 2.08 of the Regulations—the non-citizen mentioned in paragraph 2.08(1)(a) of the Regulations applied for the visa before the commencement day; and
- (c) for an application taken to have been made in accordance with regulation 2.08B of the Regulations—the original applicant mentioned in paragraph 2.08B(1)(a) of the Regulations applied for the visa before the commencement day.

Schedule 1—Repeals

Migration (Temporary visa subclass for the purpose of health requirement) Specification (LIN 22/007) 2022

1 The whole of the instrument

Repeal the instrument.

EXPLANATORY STATEMENT

Issued by a delegate of the Minister for Immigration and Citizenship

Migration (Temporary Visa Subclasses for PIC 4005 and 4007) Instrument 2026

The instrument, *Migration (Temporary Visa Subclasses for PIC 4005 and 4007) Instrument 2026* (LIN 26/021) is made under subparagraphs 4005(2)(b)(ii) and 4007(1A)(b)(ii) of Schedule 4 to the *Migration Regulations 1994* (Migration Regulations).

LIN 26/021 repeals *Migration (Temporary visa subclass for the purpose of health requirement) Specification (LIN 22/007) 2022* (LIN 22/007).

Subsection 33(3) of the *Acts Interpretation Act 1901* provides that where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character, the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

The purpose of LIN 26/021 is to specify temporary visa subclasses for subparagraphs 4005(2)(b)(ii) and 4007(1A)(b)(ii) of Schedule 4 to the Migration Regulations. LIN 26/021 repeals and replaces LIN 22/007 in order to revise and update references to various visa subclasses. Further detail is provided in Attachment A.

This instrument is covered by the exemption from disallowance provided by table item 20 of regulation 10 of the *Legislation (Exemptions and Other Matters) Regulations 2015*. A statement of compatibility with human rights is therefore not required.

As this instrument is of a minor or machinery nature, external consultation was not considered necessary or appropriate to undertake.

The instrument commences on the day after it is registered on the Federal Register of Legislation.

Further details of the provisions of the instrument are set out in Attachment A.

The Migration Regulations specify no conditions that need to be satisfied before the power to make the instrument may be exercised.

Details of the Migration (Temporary Visa Subclasses for PIC 4005 and 4007) Instrument 2026

Section 1 – Name of instrument

This section provides that the title of the instrument is the *Migration (Temporary Visa Subclasses for PIC 4005 and 4007) Instrument 2026* (LIN 26/021).

Section 2 – Commencement

This section provides the instrument commences on the day after it is registered on the Federal Register of Legislation.

Section 3 – Authority

This section provides that the instrument is made under subparagraphs 4005(2)(b)(ii) and 4007(1A)(b)(ii) of Schedule 4 to the *Migration Regulations 1994* (the Migration Regulations).

Section 4 – Definitions

This section defines certain terms used in the instrument.

The note in the section states that the terms *non-citizen* and *temporary visa* have the meaning given by section 5 of the *Migration Act 1958*.

Section 5 – Schedule

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.

Section 6 – Temporary Visa subclasses

This section specifies temporary visa subclasses for the purposes of subparagraphs 4005(2)(b)(ii) and 4007(1A)(b)(ii) of Schedule 4 to the Migration Regulations.

The Schedule removes references to subclasses 159 (Provisional Resident Return) and 487 (Skilled Regional Sponsored) that had been specified in *Migration (Temporary visa subclass for the purpose of health requirement) Specification (LIN 22/007) 2022* (LIN 22/007). These visa subclasses have been repealed and are not required to be referenced in the new instrument.

Effect of being specified

Public interest criteria (PIC) 4005 and 4007, set out in Schedule 4 to the Migration Regulations, apply to visa subclasses where it is specified as a criterion for the grant of a visa in Schedule 2 of the Migration Regulations for that subclass.

PICs 4005 and 4007 provide that visa applicants must be free from a disease or condition in relation to which a person who has it would be likely to require health care or community services or meet the medical criteria for the provision of a community service, and the provision of which would be likely to result in a significant cost to the Australian

community in the areas of, or prejudice the access of an Australian citizen or permanent resident to, health care or community services.

If an application is for a temporary visa of a subclass specified for subparagraph 4005(2)(b)(ii) or 4007(1A)(b)(ii) of Schedule 4 to the Migration Regulations, then the applicant's health and associated costs will be assessed for the same period for which a permanent visa is assessed, that is, a period commencing when the application is made (rather than the period for which the Minister intends to grant the visa).

Section 7 – Operation of the instrument

This section provides for the operation of the instrument. It provides for the continued operation of *Migration (Temporary visa subclass for the purpose of health requirement) Specification (LIN 22/007) 2022 (LIN 22/007)* in certain circumstances.

Section 7 provides that LIN 22/007 continues to apply in relation to an application for a visa if a person is taken to have applied for a visa under regulation 2.08 (newborn children) or 2.08B (addition of dependent children) of the Migration Regulations before, on or after the commencement of LIN 26/021, and:

- Where the application was taken to have been made in accordance with regulation 2.08 – the relevant non-citizen made their application before the commencement of LIN 26/021;
- Where the application was taken to have been made in accordance with regulation 2.08B – the original application was made before the commencement of LIN 26/021.

These circumstances are intended to reflect the relevant provisions of the operation provision in subclause 15302(2) of the *Migration Amendment (Repeal, Consequential and Technical Amendments) Regulations 2025*.

Schedule 1 – Repeals

Item 1 – The whole of the instrument

This Schedule repeals the *Migration (Temporary visa subclass for the purpose of health requirement) Specification (LIN 22/007) 2022 (LIN 22/007)* in its entirety.