



Migration (LIN 19/184: Arrangements for Work and Holiday Visa Applications) Instrument 2019

I, Gaye Lalor, Delegate of the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, make the following instrument.

Dated 26 June 2019

Gaye Lalor

Gaye Lalor
Acting Senior Executive Service, Band 1, Immigration and Visa Services Division and
Delegate of the Minister for Immigration, Citizenship, Migrant Services and Multicultural
Affairs

Contents

Part 1—Preliminary	1
1 Name.....	1
2 Commencement	1
3 Authority.....	1
4 Definitions	1
5 Schedules	1
Part 2—Arrangements for Work and Holiday Visa Applications	2
6 Work and Holiday (Temporary) (Class US) visa applications	2
7 Subclass 462 (Work and Holiday) visa applications	3
Part 3—Application provision	4
8 Application of this instrument.....	4
Schedule 1—Approved form	5
Schedule 2—Place and manner	6
Schedule 3—Educational qualifications	7
Schedule 4—Repeals	9
<i>Migration (LIN 18/174: Arrangements for Work and Holiday Visa Applications)</i>	
<i>Instrument 2018 (F2019C00170)</i>	9

Part 1—Preliminary

1 Name

- (1) This instrument is the *Migration (LIN 19/184: Arrangements for Work and Holiday Visa Applications) Instrument 2019*.
- (2) This instrument may be cited as LIN 19/184.

2 Commencement

This instrument commences on 1 July 2019.

3 Authority

This instrument is made under the following provisions of the Regulations:

- (a) subregulation 2.07(5);
- (b) paragraph 1224A(3)(a) of Schedule 1;
- (c) subparagraph 1224A(3)(b)(iii) of Schedule 1;
- (d) paragraph 462.212(b) of Schedule 2;
- (e) paragraph 462.221(c) of Schedule 2.

4 Definitions

In this instrument:

authorising email means an email authorising an applicant to make an application in a different place or a different manner.

Regulations means the *Migration Regulations 1994*.

5 Schedules

The instrument specified in Schedule 4 to this instrument is repealed as set out in that Schedule, and any item in any other Schedule to this instrument has effect according to its terms.

Part 2—Arrangements for Work and Holiday Visa Applications

6 Work and Holiday (Temporary) (Class US) visa applications

Approved form

(1) For the purposes of subitem 1224A(1) of Schedule 1 to the Regulations, the approved forms for making an application for a Work and Holiday (Temporary) (Class US) visa for an applicant in the circumstances specified in an item in Column 1 of the table in Schedule 1 are the forms specified in Column 2 for that item.

Specified foreign countries

- (2) For the purposes of paragraph 1224A(3)(a) of Schedule 1 to the Regulations, **the following foreign countries** are specified:
- (a) Argentina;
 - (b) Austria;
 - (c) Chile;
 - (d) China, People's Republic of;
 - (e) Czech Republic;
 - (f) Ecuador;
 - (g) Greece;
 - (h) Hungary;
 - (i) Indonesia;
 - (j) Israel;
 - (k) Luxembourg;
 - (l) Malaysia;
 - (m) Peru;
 - (n) Poland;
 - (o) Portugal;
 - (p) San Marino;
 - (q) Singapore;
 - (r) Slovak Republic;
 - (s) Slovenia;
 - (t) Spain;
 - (u) Thailand;
 - (v) Turkey;
 - (w) United States of America;
 - (x) Uruguay;
 - (y) Vietnam.

Place and manner

- (3) For the purposes of paragraph 1224A(3)(aa) of Schedule 1 to the Regulations, the place and manner for making an application for a Work and Holiday (Temporary) (Class US) visa for an applicant in the circumstances specified in an item in Column 1 of the table in Schedule 2 are the place and manner specified in Column 2 for that item.

Exempt classes of persons

- (4) For the purposes of subparagraph 1224A(3)(b)(iii) of Schedule 1 to the Regulations, a person who holds a valid passport issued by one of the following foreign countries is a member of a class of persons who are **not required to provide evidence of government support for the grant of the visa:**
- (a) Argentina;
 - (b) Austria;
 - (c) Chile;
 - (d) China, the People's Republic of;
 - (e) Israel;
 - (f) Portugal;
 - (g) Singapore;
 - (h) Spain;
 - (i) United States of America.

7 Subclass 462 (Work and Holiday) visa applications

- (1) For the purposes of paragraph 462.212(b) of Schedule 2 to the Regulations, for each foreign country specified in subsection 6(2), the applicant is aged at least 18 and no more than 30.
- (2) For the purposes of paragraph 462.221(c) of Schedule 2 to the Regulations, the educational qualification mentioned in an item in the table in Schedule 3 is specified for the foreign country mentioned in Column 2 of the table for that item.

Part 3—Application provision

8 Application of this instrument

- (1) This instrument applies in relation to an application for a Work and Holiday (Temporary) (Class US) visa that is made on or after 1 July 2019.
- (2) Despite the repeal of *Migration (LIN 18/174: Arrangements for Work and Holiday Visa Applications) Instrument 2018* (F2019C00170) in Schedule 4, that instrument continues to apply in relation to an application for a Work and Holiday (Temporary) (Class US) visa that is made but not finally determined before 1 July 2019.

Schedule 1—Approved form

Item	Column 1 Applicant's circumstances	Column 2 Approved form
1	If an applicant: (a) is, or has previously been, in Australia as the holder of a Work and Holiday (Temporary) (Class US) visa; and (b) holds a valid passport issued by a foreign country specified in subsection 6(2)	(a) 1208 (Internet); or (b) if an officer of the Department has sent an authorising email to the applicant—1208
2	If an applicant: (a) is not, and has not previously been, in Australia as the holder of a Work and Holiday (Temporary) (Class US) visa; and (b) holds a valid passport issued by a country specified in subsection 6(2), except for the People's Republic of China	(a) 1208 (Internet); or (b) if an officer of the Department has sent an authorising email to the applicant—1208
3	If an applicant: (a) is not, and has not previously been, in Australia as the holder of a Work and Holiday (Temporary) (Class US) visa; and (b) holds a valid passport issued by the People's Republic of China	1208

Schedule 2—Place and manner

Item	Column 1 Applicant's circumstances	Column 2 Place and manner
1	The applicant uses approved form 1208 (Internet)	As an internet application
2	An officer of the Department has sent an authorising email to the applicant	(a) the applicant must attach a copy of the authorising email to the approved form 1208; and (b) the applicant must submit the application in accordance with the directions in the authorising email by the end of the next day after which the authorising email was sent (AEST or AEDST as applicable to the date on which the authorising email was sent)
3	The applicant: (a) is not, and has not previously been, in Australia as the holder of a Work and Holiday (Temporary) (Class US) visa; and (b) holds a valid passport issued by the People's Republic of China	By appointment and in person at any of the following addresses: (a) Australian Visa Application Centre Beijing Rooms D, E, F, G, H, I, 21st Floor, Oriental Kenzo Plaza No. 48 Dongzhimenwai Street Dongcheng District, Beijing, CHINA 100027; (b) Australian Visa Application Centre Guangzhou Unit 02, 29/F, HM Tower No. 3, Jinsui Road Zhujiang New Town Tianhe District, Guangzhou, CHINA 510623; (c) Australian Visa Application Centre Shanghai 2nd Floor, Jiushi Business Building No. 213 Sichuan Middle Road Huangpu District, Shanghai, CHINA 200002; (d) Australian Visa Application Centre Chengdu Room 2-2, 2/F, No. 11-15, Section 4, South Renmin Road Wuhou District, Chengdu City, Sichuan Province, CHINA 610041

Schedule 3—Educational qualifications

Item	Column 1 Foreign country	Column 2 Educational qualifications
1	Argentina	(a) tertiary qualifications; or (b) successful completion of two years of undergraduate university study
2	Austria	(a) tertiary qualifications; or (b) successful completion of at least two years of undergraduate university study
3	Chile	(a) tertiary qualifications; or (b) satisfactory completion of, or approval to undertake, a third year of undergraduate university study
4	China, People's Republic of	(a) tertiary qualifications; or (b) successful completion of at least two years of undergraduate university study
5	Czech Republic	(a) tertiary qualifications; or (b) successful completion of at least two years of undergraduate university study
6	Ecuador	(a) tertiary qualifications; or (b) successful completion of at least two years of undergraduate university study
7	Greece	(a) tertiary qualifications; or (b) successful completion of at least two years of undergraduate university study
8	Hungary	(a) tertiary qualifications; or (b) successful completion of at least two years of undergraduate university study
9	Indonesia	(a) tertiary qualifications; or (b) successful completion of at least two years of undergraduate university study
10	Israel	(a) secondary school qualifications; and (b) completion of military service or a legal exemption from completing military service
11	Luxembourg	(a) tertiary qualifications; or (b) successful completion of at least two years of undergraduate university study
12	Malaysia	(a) tertiary qualifications; or (b) successful completion of at least two years of undergraduate university study
13	Peru	(a) tertiary qualifications; or (b) successful completion of at least two years of undergraduate university study

Item	Column 1 Foreign country	Column 2 Educational qualifications
14	Poland	(a) tertiary qualifications; or (b) successful completion of at least two years of undergraduate university study
15	Portugal	(a) tertiary qualifications; or (b) successful completion of at least two years of undergraduate university study
16	San Marino	(a) tertiary qualifications; or (b) successful completion of at least two years of undergraduate university study
17	Singapore	(a) tertiary qualifications; or (b) successful completion of at least two years of undergraduate university study
18	Slovak Republic	(a) tertiary qualifications; or (b) satisfactory completion of at least two years of undergraduate university study
19	Slovenia	(a) tertiary qualifications; or (b) successful completion of at least two years of undergraduate university study
20	Spain	(a) tertiary qualifications; or (b) satisfactory completion of at least two years of undergraduate university study
21	Thailand	Diploma or degree
22	Turkey	(a) tertiary qualifications; or (b) satisfactory completion of at least two years of undergraduate university study
23	United States of America	Secondary school qualifications
24	Uruguay	(a) tertiary qualifications; or (b) successful completion of at least two years of undergraduate university study
25	Vietnam	(a) tertiary qualifications; or (b) successful completion of at least two years of undergraduate university study

Schedule 4—Repeals

Migration (LIN 18/174: Arrangements for Work and Holiday Visa Applications) Instrument 2018 (F2019C00170)

1 The whole of the instrument

Repeal the instrument.

EXPLANATORY STATEMENT*Migration Regulations 1994***Migration (LIN 19/184: Arrangements for Work and Holiday Visa Applications)****Instrument 2019**

(Subregulation 2.07(5), paragraph 1224A(3)(a) and subparagraph 1224A(3)(b)(iii) of Schedule 1, and paragraphs 462.212(b) and 462.221(c) of Schedule 2 to the Regulations)

1. The instrument, LIN 19/184, is made under subregulation 2.07(5), paragraph 1224A(3)(a) and subparagraph 1224A(3)(b)(iii) of Schedule 1 to the *Migration Regulations 1994* (the Regulations) and paragraphs 462.212(b) and 462.221(c) of Schedule 2 to the Regulations.
2. The instrument repeals LIN 18/174 (F2019C00170) made under subregulation 2.07(5), paragraph 1224A(3)(a) and subparagraph 1224A(3)(b)(iii) of Schedule 1 to the Regulations and paragraphs 462.212(b) and 462.221(c) of Schedule 2 to the Regulations, in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (the AIA). Subsection 33(3) of the AIA states 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.
3. The instrument operates to specify the requirements needed when applying to an application for a Work and Holiday (Temporary) (Class US) visa (Work and Holiday visa) as follows:
 - a. for the purposes of subitem 1224(1) of Schedule 1 to the Regulations, the instrument specifies the approved form for making a valid application;
 - b. for the purposes of paragraph 1224A(3)(a) of Schedule 1 to the Regulations, the instrument specifies the foreign countries that an applicant's valid passport must be issued by;

- c. for the purposes of paragraph 1224A(3)(aa) of Schedule 1 to the Regulations, the instrument specifies the place and manner in which an application must be made;
 - d. for the purposes of subparagraph 1224A(3)(b)(iii) of Schedule 1 to the Regulations, the instrument specifies the class of persons that do not have to provide evidence of government support for the grant of a Work and Holiday visa.
4. The instrument also operates to specify:
 - a. the minimum standards of education qualifications an applicant for a Subclass 462 (Work and Holiday) visa must satisfy at the time of application; and
 - b. the maximum age for persons seeking to meet the criteria for a Subclass 462 visa.
5. The purpose of the instrument is to:
 - a. amend lodgement requirements for Indonesian, Singaporean, Thai, Turkish and Vietnamese applicants, to provide that applications are to be made online except if an officer of the Department has sent an authorising email to the applicant; and
 - b. add Ecuador and Greece as specified foreign countries for the purposes of paragraph 1224A(3)(a) of Schedule 1 to the Regulations, allowing Ecuadorian and Greek passport holders to apply for and be granted a Work and Holiday visa; and
 - c. exempt Austrian, Portuguese and Spanish applicants from providing evidence of government support for the grant of their visa.
6. The changes will only apply in relation to new applications for a Work and Holiday visa made on or after 1 July 2019. Applications made before 1 July 2019 are subject to the requirements set out in LIN 18/174.
7. Consultation was undertaken before the instrument was made as follows:
 - a. The Governments of Ecuador and Greece were consulted, in collaboration with the Department of Foreign Affairs, regarding the addition of these two

countries to the Work and Holiday visa program. A Memorandum of Understanding was signed with Greece on 14 May 2014 and with Ecuador on 19 January 2017.

- b. The embassies of Austria, Portugal and Spain were consulted through the exchange of diplomatic letters regarding the change to exempt applicants from providing evidence of government support for the grant of a Work and Holiday visa. The Australian post in Germany was also consulted in this process.
8. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 23760, 24785 and 25257).
9. The officer (Senior Executive Service, Band one, Immigration and Visa Services Division) who made the instrument was delegated the powers required to make the instrument in *Minister – Delegations Instrument No. 5 of 2018 (Instrument Making Powers) (MHA No. 5 of 2018)*, signed on 10 April 2018.
10. Under section 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015*, the instrument is exempt from disallowance and therefore a Statement of Compatibility with Human Rights is not required.
11. The instrument **commences on 1 July 2019.**