



Migration (IMMI 18/038: Sponsorship Applications and Nominations for Subclasses 407, 457 and 482 visas) Instrument 2018

I, Alan Tudge, Minister for Citizenship and Multicultural Affairs, make the following instrument.

Dated 15 March 2018

Alan Tudge

The Hon Alan Tudge MP
Minister for Citizenship and Multicultural Affairs

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Part 1—Preliminary

1 Name

- (1) This instrument is the *Migration (IMMI 18/038: Sponsorship Applications and Nominations for Subclasses 407, 457 and 482 visas) Instrument 2018*.
- (2) This instrument may be cited as IMMI 18/038.

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	18 March 2018	

Note: This table relates only to the provisions of this instrument as originally made.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 following provisions in the *Migration Regulations 1994*:

- (a) subparagraph 2.61(3A)(b)(i);
- (b) subparagraph 2.61(3A)(b)(ii);
- (c) paragraph 2.61(3A)(c);
- (d) paragraph 2.61(3A)(ba);
- (e) paragraph 2.61(3B)(a);
- (f) subregulation 2.66(3);
- (g) subregulation 2.66(4);
- (h) paragraph 2.66(5)(a);
- (i) subregulation 2.73(4);

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- (j) subregulation 2.73(5);
 - (k) paragraph 2.73(7)(a); and
 - (l) subregulation 2.73A(2).

4 Definitions

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

- (a) ***Internet application***; and
- (b) ***standard business sponsor***.

In this instrument:

Act means the *Migration Act 1958*.

Department means the Department of Home Affairs.

affected visa applicant, in relation to an application for approval as a sponsor, means a visa applicant or visa holder whom the person applying for approval intends to nominate if they are approved as a sponsor.

officer has the meaning given by subsection 5(1) of the Act.

Regulations means the *Migration Regulations 1994*.

unlawful non-citizen has the meaning given by section 14 of the Act.

5 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.

Part 2 — Sponsorship applications – standard business sponsor

6 Form and fee for application for approval as a standard business sponsor

- (1) For the purposes of subparagraph 2.61(3A)(b)(i) of the Regulations, approved Form 482SR (Internet) is specified.
- (2) For the purposes of subparagraph 2.61(3A)(b)(ii) of the Regulations, approved Form 482S (Internet) is specified.
- (3) For the purposes of paragraph 2.61(3A)(c) of the Regulations, the specified fee for an application for an approval as a standard business sponsor is \$420.

7 Different way of making an application for approval as a standard business sponsor

- (1) For the purposes of subregulation 2.61(3B) of the Regulations, subsection (2) specifies the way, and the circumstances in which, an application for approval as a standard business sponsor may be made.
- (2) If subsection (3) or (4) applies and if:
 - (a) an officer has sent an authorisation for a person (*the applicant*) to make an application in accordance with this subsection; and
 - (b) the authorisation in paragraph (a) is sent by an email from e482.Manual.Lodgement@homeaffairs.gov.au; then the applicant may make an application by:
 - (i) using the approved Form 482S, as provided with the authorising email; and
 - (ii) emailing the completed application form to e482.Manual.Lodgement@homeaffairs.gov.au by the end of the day on which the authorisation was given (AEST or AEDST as applicable to the date on which the authorisation was given); and
 - (iii) including in the email, a copy of the authorising email sent by the Department and the name and position number of the officer who sent the authorising email.
- (3) This subsection applies if:
 - (a) the Department has identified a problem with its Internet application systems; and
 - (b) as a result of the problem referred to in paragraph (a), the applicant is unable to make an Internet application; and

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- (c) electronic lodgement of the application is not prevented by the Act or the Regulations; and
 - (d) it is more likely than not that the problem will not be rectified by the end of the business day on which the problem is identified by the Department; and
 - (e) an affected visa applicant will become an unlawful non-citizen on, or before, the next business day.
- (4) This subsection applies if:
- (a) a problem is identified by the Department with the Department's systems that allow Internet applications to be made and the applicant is unable to make an Internet application as a result of that problem; and
 - (b) the problem referred to in paragraph (a) is unable to be rectified by the Department; and
 - (c) electronic lodgement of the application is not prevented by the Act or the Regulations.

Part 3 — Sponsorship applications and applications for variation of approval – temporary activities sponsor

8 Form and fee for application for approval as a temporary activities sponsor or variation of approval

- (1) For the purposes of paragraph 2.61(3A)(ba) and subregulation 2.66(3) of the Regulations, approved Form 1478 (Internet) is specified.
- (2) For the purposes of paragraph 2.61(3A)(c) and subregulation 2.66(4) of the Regulations, the specified fee for an application for an approval as a temporary activities sponsor, or a variation of a term of an approval as a temporary activities sponsor, is \$420.

9 Different way of making an application for approval as a temporary activities sponsor or variation of approval

- (1) For the purposes of subregulation 2.61(3B) and subregulation 2.66(5), subsection (2) specifies the way and the circumstances in which, an application for approval as a temporary activities sponsor, or for a variation of a term of an approval as a temporary activities sponsor, may be made, and the form for making such an application.
- (2) If subsection (3) or (4) applies, and if:
 - (a) an officer has sent an authorisation for a person (*the applicant*) to make an application in accordance with this subsection; and
 - (b) the authorisation in paragraph (a) is sent by email from an email address recognised by the Department as an official departmental email address, then the applicant may make an application:
 - (i) using approved Form 1478, as provided with the authorising email; and
 - (ii) in accordance with the directions in the authorising email, by the end of the day after the day on which the authorisation was given (AEST or AEDST as applicable to the date on which the authorisation was given).
- (3) This subsection applies if:
 - (a) the Department has identified a problem with its Internet application systems; and
 - (b) as a result of the problem referred to in paragraph (a), the applicant is unable to make an Internet application; and

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- (c) electronic lodgement of the application is not prevented by the Act or the Regulations; and
 - (d) it is more likely than not that the problem will not be rectified by the end of the business day on which the problem is identified by the Department; and
 - (e) an affected visa applicant will become an unlawful non-citizen on, or before, the next business day.
- (4) This subsection applies if:
- (a) a problem is identified by the Department with the Department's systems that allow Internet applications to be made and the applicant is unable to make an Internet application as a result of that problem; and
 - (b) the problem referred to in paragraph (a) is unable to be rectified by the Department; and
 - (c) electronic lodgement of the application is not prevented by the Act or the Regulations.

Part 4 —Nomination of an occupation for a subclass 457 and a subclass 482 visa

10 Form and fee for nomination of an occupation (Subclasses 457 and 482)

- (1) For the purposes of subregulation 2.73(4) of the Regulations, approved Form 482N (Internet) is specified.
- (2) For the purposes of subregulation 2.73(5) of the Regulations, the specified fee is \$330.

11 Different way of making a nomination of an occupation (Subclasses 457 and 482)

- (1) For the purposes of subregulation 2.73(7) of the Regulations, subsection (2) specifies the way and the circumstances in which, a nomination of an occupation may be made.
- (2) If subsection (3) or (4) applies, and if:
 - (a) an officer has sent an authorisation for a person (***the applicant***) to make a nomination in accordance with this subsection and
 - (b) the authorisation in paragraph (a) is sent by an email from e482.Manual.Lodgement@homeaffairs.gov.au, then the applicant may instead make a nomination by:
 - (i) using approved Form 482N, as provided with the authorising email; and
 - (ii) emailing the completed nomination form to e482.Manual.Lodgement@homeaffairs.gov.au by the end of the day on which the authorisation was given (AEST or AEDST as applicable to the date on which the authorisation was given); and
 - (iii) including in the email, a copy of the authorising email from the Department and the name and position number of the officer who sent the authorising email.
- (3) This subsection applies if:
 - (a) the Department has identified a problem with its Internet application systems; and
 - (b) as a result of the problem referred to in paragraph (a), the applicant is unable to make an internet application for nomination; and
 - (c) electronic lodgement of the nomination is not prevented by the Act or the Regulations; and

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- (d) it is more likely than not that the problem will not be rectified by the end of the business day on which the problem is identified by the Department; and
 - (e) the nominee referred to in subregulation 2.73 of the Regulations will become an unlawful non-citizen on, or before, the next business day.
- (4) This subsection applies if:
- (a) a problem is identified by the Department with the Department's Internet application systems and the applicant is unable to make a internet application for nomination as a result of that problem; and
 - (b) the problem referred to in paragraph (a) is unable to be rectified by the Department; and
 - (c) electronic lodgement of the nomination is not prevented by the Act or the Regulations.

Part 5 —Process for nomination of a program of occupational training for a subclass 407 visa

12 Process for nomination of a program of occupational training (Subclass 407)

- (1) For the purposes of subregulation 2.73A(2) of the Regulations, subsections (2) to (5) specify the process for nominating a program of occupational training.
- (2) Subject to subsections (3) and (4), for the purposes of 2.73A(3)(a) of the Regulations, a nomination must be made as an Internet application using approved Form 1479N (Internet).
- (3) If an officer has, by email sent from an email address recognised by the Department as an official departmental email address, authorised a person (*the applicant*) to make a nomination in accordance with this subsection, the applicant may instead make a nomination by:
 - (i) for the purposes of 2.73(3)(a) of the Regulations, using approved Form 1479N; and
 - (ii) making a nomination, in accordance with the directions by the Department in the authorising email, by the end of the day after the day the authorisation was given (AEST or AEDST as applicable to the date on which the authorisation was given).
- (4) If the applicant is outside Australia, a nomination must be made in accordance with subsection (2) or (3), or by using approved Form 1479N and making a nomination at a diplomatic, consular or migration office maintained by or on behalf of the Commonwealth.
- (5) For the purposes of paragraph 2.73A(3)(b) of the Regulations, the fee which must accompany the nomination is \$170.

Part 6 —Application

13 Application of this instrument

This instrument applies to applications and nominations made on or after the commencement of this instrument.

Schedule 1—Repeals

Forms, Fees, Circumstances and Different Way of Making an Application – IMMI 13/063

1 The whole of the instrument

Repeal the instrument.