



LIN 21/078

**Migration (Extension of visa period for certain temporary safe haven visas) Instrument (LIN 21/078) 2021**

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I, Alex Hawke, Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, acting under subsection 37A(2) of the *Migration Act 1958* (the *Act*) make the following notifiable instrument.

Dated 11 November 2021

**Alex Hawke**

Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

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**1 Name**

This instrument is the *Migration (Extension of visa period for certain temporary safe haven visas) Instrument (LIN 21/078) 2021*.

**2 Commencement**

This instrument commences on the day after registration.

**3 Definitions**

In this instrument:

**Regulations** means the *Migration Regulations 1994*.

**subclass 449 visa** means a Subclass 449 Humanitarian Stay (Temporary) visa.

*Note:* Section 46 of the *Acts Interpretation Act 1901* applies to this instrument, meaning that terms defined in the Act and Regulations have the same meaning in this instrument, including **member of the family unit**, **member of the immediate family** and **visa period**.

**4 Extension of visa period**

- (1) For subsection 37A(2) of the Act, the visa period of a subclass 449 visa granted:
  - (a) on or after 19 August 2021; and
  - (b) before the commencement of this instrumentis extended so that the visa ceases to be in effect on 30 November 2022 if the visa is held by a visa holder of a kind mentioned in subsection (2) or (3).
- (2) The visa holder:
  - (a) was granted the visa due to:
    - (i) the deteriorating security situation in Afghanistan (the **main visa holder**); or
    - (ii) being a member of the immediate family of a main visa holder at the time that the main visa holder was granted the visa; or
    - (iii) being a member of the family unit of a main visa holder; or
    - (iv) being a member of the immediate family of a visa holder referred to in subparagraph (ii); and
  - (b) entered Australia on or before the date specified by the Minister under clause 449.511 of Schedule 2 to the Regulations on the grant of the visa.
- (3) The visa holder:
  - (a) is a child born in Australia who is taken to have been granted a visa by operation of section 78 of the Act; and
  - (b) is the child of a visa holder mentioned in subsection (2).