



Migration Amendment (Ukraine) Regulations 2022

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 17 March 2022

David Hurley
Governor-General

By His Excellency's Command

Alex Hawke
Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

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1 Name

This instrument is the *Migration Amendment (Ukraine) Regulations 2022*.

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	22 February 2022.	22 February 2022

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 After regulation 2.05

Insert:

2.05A Extension of certain visas held by Ukraine passport holders etc.

- (1) Despite anything in Schedule 2 to these Regulations, a visa to which subregulation (2), (3) or (4) of this regulation applies is a temporary visa permitting the holder to travel to, enter and remain in Australia until 6 months after the original end date of the visa.

Eligibility for extension

- (2) This subregulation applies to a visa, at and after the end of 23 February 2022, if:
- (a) the visa is any of the following visas:
 - (i) a Subclass 400 (Temporary Work (Short Stay Specialist)) visa;
 - (ii) a Subclass 408 (Temporary Activity) visa;
 - (iii) a Subclass 457 (Temporary Work (Skilled)) visa;
 - (iv) a Subclass 482 (Temporary Skill Shortage) visa;
 - (v) a Subclass 485 (Temporary Graduate) visa;
 - (vi) a Subclass 500 (Student) visa; and
 - (b) on the date of grant of the visa, the person to whom the visa was granted held a valid passport issued by Ukraine; and
 - (c) the original end date of the visa is:
 - (i) on or after 23 February 2022; and
 - (ii) before 1 July 2022; and
 - (d) on 23 February 2022:
 - (i) the person is in Australia; and
 - (ii) the visa is in effect.
- (3) This subregulation applies to a visa held by a person if:
- (a) the visa was granted to the person on or before 23 February 2022 on the basis that the person satisfied the secondary criteria for the grant of the visa as a member of the family unit of a person who holds a visa (the **primary visa**) of the same subclass granted on the basis of satisfying the primary criteria for the grant of the visa; and
 - (b) subregulation (2) or (4) applies to the primary visa.
- (4) If:
- (a) a visa (the **secondary visa**) was granted to a person on or before 23 February 2022 on the basis that the person satisfied the secondary criteria for the grant of the visa as a member of the family unit of the person who holds a visa (the **primary visa**) of the same subclass granted on the basis of satisfying the primary criteria for the grant of the visa; and
 - (b) subregulation (2) applies to the secondary visa;
- then this subregulation applies to the primary visa.

Original end date

- (5) For the purposes of this regulation, the **original end date** of a visa mentioned in column 1 of an item of the following table is the day mentioned in column 2 of the item.

Original end dates		
Item	Column 1 Visa	Column 2 Original end date
1	a visa not covered by another item of this table	the last day on which, disregarding this regulation, the holder of the visa can travel to, enter and remain in Australia under the visa
2	Subclass 400 (Temporary Work (Short Stay Specialist)) visa	the last day of the period mentioned in paragraph 400.511(b) of Schedule 2 in relation to the visa
3	Subclass 408 (Temporary Activity) visa	the day that, disregarding this regulation, is the last day of the relevant period of stay mentioned in clause 408.511 of Schedule 2

2.05B Extension of certain Subclass 600 visas held by Ukraine passport holders

- (1) Despite anything in Division 600.5 of Schedule 2, a visa to which subregulation (2) of this regulation applies is a temporary visa permitting the holder to:
- (a) travel to and enter Australia until the later of:
 - (i) the original validity end date of the visa; and
 - (ii) 6 months after the original remain end date of the visa; and
 - (b) remain in Australia, after each entry, for a period that is 6 months longer than the original remain period of the visa.

Eligibility for extension

- (2) This subregulation applies to a visa, at and after the end of 23 February 2022, if:
- (a) the visa is a Subclass 600 (Visitor) visa; and
 - (b) on the date of grant of the visa, the person to whom the visa was granted held a valid passport issued by Ukraine; and
 - (c) the original remain end date of the visa is:
 - (i) on or after 23 February 2022; and
 - (ii) before 1 July 2022; and
 - (d) on 23 February 2022:
 - (i) the person is in Australia; and
 - (ii) the visa is in effect.

Definitions

- (3) In this regulation:

original remain end date of a Subclass 600 (Visitor) visa held by a person means the day that, on 23 February 2022, is the last day on which, disregarding this regulation, the person can remain in Australia under the visa (without leaving and re-entering Australia).

original remain period of a Subclass 600 (Visitor) visa held by a person means the period specified in relation to the visa as mentioned in clause 600.511 or 600.512 of Schedule 2 as the period for which the person can remain in Australia after each entry under the visa.

original validity end date of a Subclass 600 (Visitor) visa held by a person means the last day on which, disregarding this regulation, the person can travel to and enter Australia under the visa.

2 Paragraph 485.514(2)(d) of Schedule 2

After “disregarding”, insert “regulation 2.05A and”.