

COVID-19 visa update

6 April 2020

For general visa holders

Who can arrive into Australia?

Australian Citizens, Permanent Residents, NZ Citizens usually resident in Australia and their immediate family members (legal guardians, spouses, de facto and dependent children) can enter Australia. This includes Partner and Child Visa holders (but not Prospective Marriage visa holders).

If you are an immediate family member of an Australian Citizen or Permanent Resident AND on a temporary visa, you will need to provide evidence of immediate relationships to the Department of Home Affairs (the Department) for assessment BEFORE you travel. This can be done using this website: <https://immi.homeaffairs.gov.au/help-support/departmental-forms/online-forms/australian-immigration-enquiry-form>

Exemptions to these restrictions can only be provided on very limited circumstances. Please see <https://www.homeaffairs.gov.au/news-media/current-alerts/novel-coronavirus> for more information.

EVERYONE entering Australia will be placed in quarantine for 14 days.

EVERYONE entering the Northern Territory from overseas or interstate from midnight Wednesday 1 April 2020 will be placed in quarantine for 14 days. If you are transiting through another state/Territory, you will have to stay in quarantine in that location for 14 days, and will be placed into quarantine for a further 14 days upon arriving in the NT.

I am a temporary visa holder inside Australia, my visa is about to expire and I cannot return home because borders have closed. What can I do?

You must apply for a new visa before your current visa expires. You may be eligible to be granted a bridging visa which will keep you lawful in Australia until a decision is made on your visa application.

Visa holders with a “no further stay condition” will need to request to waive this condition to the Department BEFORE applying for a new visa. If you have less than 2 months remaining on your current visa, this condition may be waived. You should apply to the Department of Home Affairs to seek a waiver.

It is the visa holder’s responsibility to remain lawful.

I am a temporary visa holder outside Australia, I cannot return to Australia before my visa expires and I want to return. What can I do?

You will need to apply for a new visa once the travel restrictions are lifted.

Temporary visa holders who are ineligible for entry into Australia may have their visa considered for cancellation if they attempt to travel to Australia.

If you think your visa may have been cancelled under enhanced border control measures, please email visa.cancellations@homeaffairs.gov.au with your details including full name, date of birth and passport number.

I am holding Bridging Visa B (BVB) and I cannot return to Australia before the BVB expires. What should I do?

You will need to apply for a new visa (such as a short stay Visitor visa) once the travel restrictions have been lifted. Bridging visas cannot be granted or extended if you are outside Australia.

I am on a Bridging visa which is expiring and am unable to return to my home country. What should I do?

You should apply for a further Bridging visa before it expires to keep you lawful.

I am in the NT on a Working Holiday Visa subclass 417 or 462 (WHV) and cannot return to my home country before my visa expires. What can I do?

You can apply for a further WHV if you have undertaken specified work for three months on your first WHM visa or six months on your second WHM. You must apply for a new visa before your current one expires to remain lawful. You will be provided with a bridging visa to keep you lawful until a decision is made on your visa application.

If you do not meet requirements for a new WHV but you are working in health, aged and disability care, agriculture, food processing or childcare sectors and are unable to return to your home country, you can apply for the Temporary Activity (subclass 408) Australian Government Endorsed Event (AGEE) stream visa to allow you to remain lawful and continue working until it is safe and practicable to return to your home country.

I am working in a critical sector and I understand I can extend my work rights.

The Australian Government has announced temporary measures to assist WHV holders working in critical sectors. If you work in health, aged and disability care, agriculture, food processing or childcare sectors you will be exempt from the six month work limitation with the one employer and eligible for a further visa to keep working. You will need to abide by conditions to self-isolate for 14 days before taking up employment in a different region. This is to avoid the spread of Coronavirus.

I am an international student. Can I work longer hours than I am normally entitled to?

The Department of Home Affairs have temporarily relaxed the enforcement of the 40 hour work limitation per fortnight for the following critical sectors:-

For more information, visit coronavirus.nt.gov.au

- International students employed at major supermarkets are able to extend their maximum 40 hours per fortnight working hours. The measures are only for existing employees in their existing roles. This extension applies only until 30 April. From 1 May their hours will return to the standard maximum 40 hours per fortnight.
- International students who are existing workers in the aged care sector are able to work more than the 40 hours a fortnight to continue to support this critical sector.
- Student visa holders enrolled as nurses have had the 40 hours per fortnight extended to support the critical health sector.

Employers in specified industry sector must register with the Department of Home Affairs for inclusion in the relaxation of enforcement of the 40 hours limit work condition for student visa holders. NB: employers are still required to abide by all relevant Australian workplace laws. The form “Employer request relating to relaxation of enforcement of student visa working hours” is available at:

<https://immi.homeaffairs.gov.au/help-support/departmental-forms/online-forms>

I am an international student and wish to apply for a Graduate Visa, but I am unable to complete the Australian Study Requirement due to the COVID-19 crisis. Are there any concessions available?

The Department of Home Affairs is looking at concessions on a case-by-case basis. More information will be provided as updates are received. Please see the Home Affairs website:

<https://covid19.homeaffairs.gov.au/> for updates and more information.

I am an international student and am unable to enter Australia to commence or continue studies due to the travel ban. What should I do?

The Australian government will be flexible in cases where Coronavirus has prevented you from meeting your visa condition such as being able to attend class.

You should discuss your circumstances with your education provider. Further information for international students and education providers is provided on the Home Affairs website:

<https://covid19.homeaffairs.gov.au/>. Additional resources for international students with further questions include a dedicated email and hotline - international.students@dese.gov.au or 1300 981 621 (8am to 8pm AEDST Monday to Friday) and website - www.studyinaustralia.gov.au.

I hold a subclass 403 visa under the Seasonal Work Program (SWP) or the Pacific Labour Scheme (PLS) and my visa is expiring. What can I do?

SWP visa holders with visas expiring will be able to apply for a Temporary Activity (subclass 408) visa in the Australian Government Endorsed Event stream to enable them to continue working in the agriculture sector.

PLS visa holders with visas expiring can apply for another subclass 403 under the PLS stream to enable them to work in the agriculture sector.

For more information, visit coronavirus.nt.gov.au

SWP and PLS visa holders currently in Australia will also be exempt from the requirement to work for a single employer and be able to move between approved employers to enable them to work in the agriculture sector.

I am a visa holder and I have lost my job due to the COVID-19 crisis. Is there any support that I can get?

Visa holders who are on permanent visas (e.g. holders of Regional Sponsored Migration Scheme subclass 187, permanent skilled Nominated Visa subclass 190) are eligible for Centrelink payments such as the Job Seeker Allowance. The normal waiting period of 4 years to qualify will be waived for some payments, from 27 April 2020.

If you are an international student and have been in Australia for longer than 12 months and are experiencing financial hardship, you can access your Australian superannuation.

If you are a temporary graduate visa holder (sc485) you will be able to access your Australian Superannuation if needed.

If you are a temporary skilled visa holder on either a 2 year or 4 year visa, you will be able to access up to \$10,000 of your Australian superannuation this financial year.

Currently there is limited welfare support available for most temporary visa holders. Updates will be provided as more information becomes available. You should contact Centrelink for more information on your eligibility for welfare payments.

Visa holders who wish to seek alternative employment can register themselves on the Territory Jobs Hub, which can be accessed via <https://cited.com.au/territory-jobs-hub/>

I am a temporary employer-sponsored visa holder and I have lost my job due to the COVID-19 crisis. Can I seek alternative employment?

Temporary sponsored employees (i.e. holders of subclass 457 and Temporary Skill Shortage Visa subclass 482) have conditions on their visas requiring them to be employed with their sponsoring employer in the nominated occupation. Breach of these conditions can lead to visa cancellation at the discretion of the Department of Home Affairs. If you have lost your job and are unable to secure new employment and nomination within the period allowed, you explore your options which may include departing Australia. If you cannot return to your home country you need to maintain a valid visa. Information on extending a stay in Australia if you are unable to leave is at: <https://covid19.homeaffairs.gov.au/>

If you have been temporarily stood down from employment due to the COVID-19 crisis or have been given reduced hours, your visa will remain valid.

You should notify the Department of Home Affairs in writing, of any change of circumstances in your employment.

For employers

Can I temporarily move a temporary sponsored employee to work in a different occupation or make changes to the work duties during COVID-19?

Temporary sponsored employees (i.e. holders of subclass 457 and Temporary Skill Shortage Visa subclass 482) have conditions on their visas requiring them to be employed with their sponsoring employer in the nominated occupation. Breach of these conditions can lead to visa cancellation, and can also place the business in breach of its sponsorship obligations. However, taking adverse actions against visa holders and/or employers for breach is discretionary on the Department of Home Affairs, and all circumstances will be taken into account in making such decisions.

You will be able to temporarily reduce the hours of the temporary visa holder without the person being in breach of their visa conditions or you as the employer being in breach of your obligations.

You should notify the Department of Home Affairs in writing, of any change of circumstances in the employment of your temporary sponsored workers.

I have had to lay off sponsored employees due to the COVID-19 crisis. What will happen to their visas?

Temporary sponsored visa holders will technically be in breach of visa conditions if they are not employed with their sponsoring business for a period of time and this can lead to visa cancellation. The employees will not be in breach of conditions if they are on approved paid leave or unpaid leave for a limited period of time (e.g. being stood down temporarily). Those who are laid off (that is have become unemployed) should find another employer to take on their sponsorship within the period allowed by their visa conditions. If they can't find other employment and sponsorship, the Department of Home Affairs encourages them to make arrangements to depart Australia.

You should notify the Department of Home Affairs in writing, of any change of circumstances in the employment of your temporary sponsored workers.

My sponsored overseas employees cannot return to work due to travel restrictions, what are my obligations?

If you opt to keep the positions for your employees open, you can do so. The employees will not be in breach of conditions if they are on approved paid leave or unpaid leave (i.e. stood down) for a limited period of time. Extended leave without pay may be accepted by the Department of Home Affairs to be in compliance with obligations in exceptional circumstances.

You should notify the Department of Home Affairs in writing, of any change of circumstances in the employment of your temporary sponsored workers.

Further information

Visa holders who wish to seek alternative employment can register themselves on the Territory Jobs Hub, which can be accessed via <https://cited.com.au/territory-jobs-hub/>

For more information on sponsors' obligations, please access the Department of Home Affairs' website <https://immi.homeaffairs.gov.au/visas/employing-and-sponsoring-someone/existing-sponsors/standard-business-accredited-obligations>

For updated information from the Department of Home Affairs, please see <https://covid19.homeaffairs.gov.au/>

For specific migration queries in relation to your migrant workforce, please contact the MigrationNT team direct on either Tel: +61 8 8999 5264 or email: migration@nt.gov.au