

FOR IRISH CITIZENS

HOW TO REMAIN IN AUSTRALIA LAWFULLY DURING THE COVID-19 PANDEMIC

ALL VISAS

WHEN TO APPLY:

- You must apply for a new visa before your current visa expires
- If the authorities do not make a decision on your new visa application before your current visa expires you will usually be granted a bridging visa that keeps you lawful in Australia
- It is important that you remain lawfully in Australia so that you are eligible for the free emergency care in Australian public hospitals that is provided to Irish citizens under the Reciprocal Health Agreement between the governments of Ireland and Australia

CAN'T AFFORD THE FEES?

- As a last resort, if you cannot afford the fees for your visa application you can become unlawful and then lodge a Bridging Visa E application free of charge. This can be applied for via your IMMIACCOUNT under 'Status Resolution'
- A Bridging visa E may be granted to keep you lawful
- You cannot lodge a Bridging Visa E application while holding a substantive visa. You must first become unlawful (ie your visa ceases)

WORKING HOLIDAY (417) VISA

IF YOU INTENDED TO STAY:

- Working Holiday Visa holders who meet the requirements for a 2nd or 3rd WHV can apply for this through their IMMIACCOUNT before their current visa expires
- Working Holiday Visa Holders who work in agriculture or food processing will be exempt from the 6 month work limitation with the one employer and may be eligible for a further visa to keep working in these critical sectors (see details about Temporary Activity (408) Visa below)

IF YOU INTENDED TO DEPART OR CAN'T MEET THE REQUIREMENTS FOR A 2ND OR 3RD WHV

- Working Holiday Visa holders who had intended to depart at the end of their current visa can apply for a subclass 600 visitor visa to keep them lawful until such time as they depart
- The visa costs from \$365 per applicant but if you applied for your second WHV while you were within Australia the application fee is \$1065 (\$365+\$700)

457/482 VISA

IF YOUR HOURS ARE BEING REDUCED:

- If you have been stood down but not laid off you will maintain a valid visa and your employer can extend your visa as per normal arrangements
- Your employer will also be able to reduce your hours without being in breach of your visa conditions or their sponsorship obligations
- One short term solution is to remain as an employee with your sponsoring employer by applying for three months Leave Without Pay and having this formally approved by your employer

IF YOU'RE BEING LAID OFF:

- The best short term solution is to ask your sponsoring employer if you can remain as an employee by applying for three months Leave Without Pay and having this formally approved by your employer
- If you have already been formally laid off then your employer has 28 days from the day of lay off to notify the Department of Immigration and you have 60 days to find a new employer who must lodge a new nomination for you

IF YOUR VISA EXPIRES SOON:

- Employers may make a new nomination (after any required advertising) for those whose visas are expiring soon
- You must apply for a new 482 visa
- If you are refused a new visa you may appeal and in the meantime permission for you to work for your sponsor and for your partner's unrestricted work is maintained
- If your employer is not willing to make a new nomination then the current best option is for you to apply from within Australia for a visitor visa (subclass 600) to extend your stay
- The visitor visa costs from \$365 per applicant but if you applied for your 457/482 visa while you were within Australia the application fee is \$1065 (\$365 + \$700)
- Alternatively, if you're employed in a critical sector you may be eligible for a visa to keep working in these critical sectors (see details about Temporary Activity (408) Visa below)

VISITOR VISA

IF IT'S EXPIRING:

- Visitor visas generally allow either a single or multiple entries to stay in Australia for three months on each entry.
- If you have a 12 month multiple entry visa you are normally required to leave the country after 3 months and can re-enter for another 3 months provided you are assessed as a genuine visitor on each entry
- If your three month single or multiple entry visa will expire soon you can apply from within Australia for another visitor visa (subclass 600) to extend your stay
- This is a temporary visa and the length of stay is decided on a case by case basis
- The visa costs from \$365 per applicant but if you applied for your current (or last held visa) while you were within Australia the application fee is \$1065 (\$365 + \$700)
- The application for another visitor visa (subclass 600) should be lodged online through your IMMIACCOUNT
- You may be required to undergo a health examination but should wait until you are advised to do so before organising this as it would be a wasted cost if you have already left the country by the time you are advised to do so

IF YOU HAVE AN 8503 NO FURTHER STAY CONDITION:

- If your visitor visa has an 8503 no further stay condition, you first need to apply for a waiver of that condition before you can apply for a further subclass 600 visa
- If your visa ceases before the waiver is given, you can apply for a Bridging Visa E to keep you lawful until the waiver is given

TEMPORARY ACTIVITY (408) VISA

ELIGIBILITY:

- This visa is now being targeted at those affected by the COVID-19 pandemic
- You may be eligible if you are on a Working Holiday Visa or Temporary Skill Shortage and subclass 457 Visa, have no other visa options, are unable to return to your home country and meet all the requirements of this visa, including working in a critical sector: healthcare, disability and aged care, childcare or agriculture
- You must be onshore and have 28 days or less remaining on your current visa or your last substantive visa expired up to 28 days previously

FEE:

- If you are applying for the 408 visa due to the COVID-19 pandemic this visa is free.

Claddagh gratefully acknowledges the support of two Claddagh members who are migration agents and who provided the information for this flyer. This advice is generic in nature and your circumstances may require more detailed advice from a registered migration agent. Publication date: 15/04/2020