



GMS Flash Alert

Immigration Edition

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Australia – COVID-19: Update on Border Closures

Australia's international borders remain closed, and there is no firm guidance on when temporary visa holders will be permitted to resume travel to Australia. The Department of Home Affairs has issued guidance¹ suggesting borders will only re-open at a time and in a manner that is safe, guided by health advice, and with secure border arrangements in place. Plans to offer Hong Kong passport-holders a suite of visa arrangements have also been announced.

In terms of progress, Australia is still yet to navigate phase three of the Australian's government 'three step plan'.² Phase three contemplated interstate travel resuming, and consideration of a Cross-Tasman and Pacific travel bubble. The plan also contemplated unique entry arrangements for international students.

However, at the time of writing, the coronavirus outbreak continues to increase in Australia and domestic and international border restrictions remain in place.

WHY THIS MATTERS

To keep the spread of coronavirus contained, contrary to the resumption of international travel, the National Cabinet has agreed to implement caps on international arrivals in three states. To illustrate, Melbourne International Airport is currently not accepting any international flights.

Each state and territory will continue to review and revise its international arrival arrangements over the coming weeks.³ Employers should continue to make workforce plans based on an assumption that international travel to Australia may not resume until 2021, and even then, may be limited to certain types of business and scientific professionals.

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Travel, Entering Australia, and Quarantine

Contrary to the resumption of international travel, the National Cabinet has agreed to implement caps on international arrivals in three states, in an effort to manage and maintain quarantine arrangements.⁴ Mandatory quarantine measures remain in place, and some international travellers are now being asked to pay for their own mandatory quarantine expenses. Further details are contained in the [Prime Minister's Press Release](#)⁵ and summary details are provided below:

State/Airport	Cap on international arrivals	Fee arrangement for mandatory quarantine
New South Wales - Sydney Airport	Will accept up to 350 international arrivals per day (with a cap of 50 passengers per flight).	The hotel quarantine fee is a fixed cost which includes meals and hotel room costs. Travellers will be charged \$3,000 for one adult. Additional occupants can be added as follows: <ul style="list-style-type: none"> - Additional adults: \$1,000 each - Additional children: \$500 each - Child under 3: no additional cost. Further details are available here .
Queensland – Brisbane Airport	Will accept up to 500 international arrivals per week (with a cap of 30 passengers per flight).	The quarantine fee includes accommodation and daily meals. It costs \$2,800 for 1 adult, \$3,710 for 2 adults, and \$4,620 for 2 adults and 2 children. Further costings available here .
Western Australia – Perth Airport	Will accept up to 525 international arrivals each week (with a cap of 50 passengers per flight).	Total for one adult is \$2,520 Total for two adults is \$3,360 Total for family of four (two adults, two children) is \$5,040. Further details are available here .

Note: All dollar figures (\$) are Australian dollars.

Travel Restrictions and Travel Exemptions

Both inbound and outbound travel restrictions continue to apply.

Australia has been included in the 'safe list' of European countries which are permitting international travel. Nonetheless, Australian citizens and permanent residents remain under a restriction imposed by the *Biosecurity Determination 2020*, which restricts any departure from Australia unless the Australian citizen or permanent resident can prove he or she is ordinarily resident offshore, or makes an application in writing to the Australian Border Force demonstrating how the individual has exceptional circumstances that warrant his or her departure from Australia at this time.

Inbound restrictions continue to apply to foreign nationals attempting to enter Australia on a temporary visa. Limited exemptions continue to apply for certain categories of people, including immediate family members of Australian citizens and permanent residents, and people with critical skills.

New Visa Arrangements for Passport Holders of Hong Kong

The Australian prime minister and the acting minister for immigration have announced plans to offer Hong Kong passport-holders a suite of visa arrangements,⁶ including:

- visa extensions for students studying in Australia, temporary graduate and skilled workers for up to five years which include work rights and an opportunity to apply for a permanent visa at the end of that period of time;
- discrete arrangements to grant future skilled visa applicants holding Hong Kong passports with a five-year visa, based on meeting updated skills lists and labour market testing requirements;
- helping ensure existing arrangements continue to apply for those applicants who work and study in regional areas having pathways to permanent visas after three years.

At the time of writing, the Department of Home Affairs is yet to implement any of the new arrangements.

Future Migration Levels and Skilled Migration Occupation List Update

KPMG NOTE

A delegation from the KPMG International member firm in Australia recently met with The Honourable Alan Tudge, Minister for Population, Cities and Urban Infrastructure. The discussions canvassed a wide range of topics including the impact of the coronavirus pandemic on population and migration and international education. Minister Tudge has advised that considerable planning is currently occurring to help ensure Australia's future migration program is carefully calibrated to support Australia's economic recovery.

The Australian government is currently considering how to best shape the size and delivery of the 2020-21 Migration Program and the existing 2019-20 Migration Program settings will remain in place, for the interim, including 108,682 places available for skilled visa applicants.

KPMG NOTE

The KPMG International member firm in Australia expects further guidance on program settings for the 2020-21 Migration Program levels will be announced towards the end of 2020.

With respect to the anticipated update of the various skilled migration occupation lists, KPMG has recently liaised with the Department of Education, Skills and Employment, which has advised that a decision on the composition of the skilled migration occupations lists, while originally scheduled to be finalised in March 2020, has been delayed and there is no indicative timeframe for the update to be released.

We will continue to keep readers of *GMS Flash Alert* apprised of developments.

Permanent Visa Pathways – Grandfathering Provisions for Certain 457 Visa Holders

While there is still much uncertainty about border opening and global mobility into Australia resuming, what is certain is that transitional (grandfathering) provisions designed to assist former subclass 457 visa holders obtain a permanent visa will come to an end in 2022.

KPMG NOTE

Accordingly, now could be considered a propitious time for employers to consider whether the use of these grandfathering provisions can assist to retain employees and offer a long-term visa outcome.

The transitional (grandfathering) provisions apply to former holders of 457 visas, who had lodged or applied for a 457 visa as of 18 April 2017.

The beneficial transitional arrangements will expire on 18 March 2022 (the “sunset clause”) meaning former subclass 457 visa-holders should begin making arrangements to apply for a permanent visa before 18 March 2022.

Under these provisions, former subclass 457 visa holders are currently able to access the permanent employer-sponsored programs without occupation restrictions provided they:

- remain in the same position for which their 457 was approved,
- are under the age of 50, and
- have worked in their nominated occupations for at least two years.

After 18 March 2022, only those whose occupation is listed on the “Medium- and Long-term Strategic Skills List” (MLTSSL) can apply and they must also (unless limited exemptions apply) be under 45 at the time of application and have worked in their nominated occupation for three years.

With the sunset date now less than two years away, it is important to carefully review how any changes to a nominated employee’s position, particularly into a short-term occupation, will impact his or her eligibility for a permanent visa, given the need to have worked in the same nominated occupation for at least two years before lodgement of the permanent application, which must occur before 18 March 2022.

If you would like assistance determining eligibility for grandfathering provisions, please contact your usual qualified immigration counsel or a member of the Immigration team with KPMG in Australia (see the Contact Us section).

FOOTNOTES:

- 1 Australian Government, Department of Home Affairs “COVID-19 and the Border” at: <https://covid19.homeaffairs.gov.au/>.
- 2 See “3-step framework for a COVIDSafe Australia” at: <https://www.health.gov.au/resources/publications/3-step-framework-for-a-covidsafe-australia>.
- 3 For example, see “Travel restrictions lifted in Western Australia” at: <https://www.health.gov.au/ministers/the-hon-greg-hunt-mp/media/travel-restrictions-lifted-in-western-australia>.
- 4 National Cabinet, Press release at: <https://www.pm.gov.au/media/national-cabinet>.
- 5 Ibid.
- 6 For more information, see this webpage of the Department of Home Affairs: <https://immi.homeaffairs.gov.au/news-media/archive/article?itemId=415>.

Contact us

For additional information or assistance, please contact your local GMS or People Services professional* or one of the following professionals with the KPMG International member firm in Australia:



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