

OFFICIAL:

TALKING POINTS

Subject	Final closure Pandemic Event visa
Date	16 January 2024
Type	Ministerial

ISSUE

These talking points have been developed to support media response in relation to the closure of the, Temporary Activity visa (subclass 408)—Pandemic Event visa.

TALKING POINTS OFFICIAL

Attributable to a Departmental spokesperson:

- The Temporary Activity visa (subclass 408) Australian Government endorsed events (COVID-19 Pandemic event) visa closed to new applicants from 2 September 2023, with the final closure of the visa occurring on 1 February 2024.
- The Pandemic Event visa, which opened in April 2020, enabled temporary migrants to lawfully remain in Australia while the border was closed. It also helped to provide a temporary workforce to address labour shortages in critical sectors due to the pandemic.
- Given Australia's borders are open and new migrant arrivals are replacing outgoing workers the original intent of the visa is no longer relevant.
- Final closure of the Pandemic Event visa will contribute to a well-managed migration system that better regulates visa pathways and normalises the flow of temporary migrants in-and-out of Australia. It will help to reduce complexity in the visa system and remove a COVID related product that is no longer fit for purpose.
- Extending the time before fully closing the visa has allowed existing Pandemic Event visa holders to remain working in Australia and consider their options—during this period many have made arrangements to apply for other visas or depart Australia before their current visa expires.
- Visa holders should ensure they remain lawful if they wish to stay in Australia. Becoming unlawful may impact their ability to visit Australia in the future. They can use the Visa Entitlement Verification Online (VEVO) system to check their visa conditions and visa validity.
- Persons who remain in Australia without a valid visa risk being detained and removed. They may also incur a debt to the Australian Government for the cost of their removal.
- Employers of Pandemic Event visa holders should check what their employee's plans are, including whether their employees may need to apply for another visa or depart Australia.

- It is an employer's responsibility to ensure their overseas workers hold a valid visa with work rights or risk significant penalties. Employers can use the Visa Entitlement Verification Online (VEVO) system to check an overseas worker's visa conditions and validity period.
- As at 31 December 2023, there were 104,467 Pandemic Event visa holders in Australia..

On background OFFICIAL (for use in reporting, not for attribution):

(The talking points in this section will be provided to the journalist on background and should support the formal response. This section will not be attributable to a Department spokesperson but should not include anything above OFFICIAL).

If asked:

Why are you closing the Pandemic Event visa and forcing Pandemic Event visa holders who helped Australia through the pandemic to leave?

- The original intent of the Pandemic Event visa was to ensure people unable to depart Australia due to COVID-19-related border closures remained lawful. It also helped to address labour shortages in critical sectors due to the pandemic.
- It is now time for visa holders to regularise their visa status and apply for a visa that is designed for their intended purpose of stay or make arrangements to depart.
- Those who have overstayed their visa are strongly encouraged to contact the Department as soon as practicable via the Status Resolution Service online at www.homeaffairs.gov.au/csrs or phone 131 881 (Monday to Friday 9 am to 5 pm).
- The visa's closure is also a part of the Government's strategy to tackle exploitation of migrant workers. Students make up about one third of Pandemic Event visa holders.
- The international education industry has raised concerns that an increasing number of former student visa holders, such as those who enrolled in English Language Intensive Courses for Overseas Students, are using the Pandemic Event visa to work full time rather than study. This situation leaves these visa holders open to potential exploitation.

Will any special arrangements be in place for this cohort to access permanent residence?

- No. Approximately 40 per cent of Pandemic Event visa holders are earning above the Temporary Skilled Migration Income Threshold (TSMIT) of \$70,000. They may be eligible for a skilled visa to remain in Australia on a pathway to permanent residence. Individuals may also be eligible for permanent family visas.
 - Between 1 August 2023 and 31 December 2023:
 - Close to 5,300 subclass 408 holders (mostly made up of Pandemic Event) have transitioned to Skilled Category visas, including Employer Sponsored, Skilled Independent, State/Territory Nominated and Regional Skilled.
 - More than 940 subclass 408 holders (mostly made up of Pandemic Event) have transitioned to Family stream visas (primarily Partner)
 - More than 830 Pandemic Event holders have transitioned to Student visas

¹ In the context of the Pandemic Event visa cohort, there are reporting limitations across different visa subclasses the group is utilising. When referring to 408 visa holders this includes all former subclass 408 visa holders, including the Pandemic Event visa, which accounted for approximately 90% of all subclass 408 visa holders in 2023. When referring to Pandemic Event visas, this refers to the singular event within the 408 visa program.

- Close to 2,000 Pandemic Event holders have transitioned to Temporary Skill Shortage Visas and;
- More than 3,100 Pandemic Event holders have transitioned to Temporary Resident (other employment) visas, including Pacific Australia Labour Mobility Scheme and Graduate Work.

How many Pandemic Event visa holders will miss out on being able to re-apply for another Pandemic Event visa once it fully closes on 1 February 2024?

- Approximately 95,000 people hold a Pandemic Event visa that expires after February 2024 and will not be eligible to make a further application once the visa closes.
 - These visas will expire gradually over the next 24 months, including a group of around 12,000 Temporary Graduate visa holders whose visas will expire in 2025. This gradual reduction in Pandemic Event visa holders onshore will not cause a sudden exodus of workers in Australia, and may be replaced by incoming migrant workers.
 - Visa holders should ensure they remain lawful if they wish to stay in Australia. Becoming unlawful may impact their ability to visit Australia in the future. They can use the Visa Entitlement Verification Online (VEVO) system to check their visa conditions and visa validity.
 - Visa holders who cannot resolve their immigration status prior to the cessation of their Pandemic Event visa are encouraged to contact the Department's Status Resolution Service and may be eligible for assistance in returning home.
 - Pandemic Event visa holders who remain in Australia without a valid visa risk being detained and removed by the Australian Border Force. They may also incur a debt to the Australian Government for the cost of your removal.

What are the main types of visa holders to have been granted Pandemic Event visa?

- The top four visa holder types that use the Pandemic Event visa are Students (500), Temporary Graduate Visa (TGV) (485), Working Holiday Makers (417), and Temporary Activity visa holders (408). Cumulatively, grants to these four types of visa holders have accounted for nearly 80 percent (79.45%) of all grants.

Students

- Students who complete their studies and wish to remain in Australia may be eligible for a range of visas, including the Temporary Graduate visa.
- Closure ensures that students cannot use the Pandemic Event visa as a backdoor into Australia's labour market and that they are genuinely in Australia to study.

Temporary Graduates

- Temporary graduates who have skills and qualifications that Australia needs have a number of visa options, including skilled visas, to remain in Australia.
- The Australian Government implemented pathways to residence for all skilled sponsored workers on 25 November 2023. Graduates with the skills Australia needs and employers willing to sponsor them are encouraged to investigate these options.

Pacific Australia Labour Mobility (PALM) scheme

- From commencement of the Pandemic Event Visa to 31 December 2023, 17,301 COVID-19 Pandemic Event visa applications have been received and 14,921 visas granted to former PALM visa holders.
- Closure of the Pandemic Event visa ensures the PALM program returns to its original intent of circular mobility.
- By implementing a staged closure, the Government is giving more time for employers to plan for the departure of PALM workers and recruit new workers.
 - This does not mean workers will be required to depart Australia at the same time—these visas will expire gradually over the next 12 months and not cause a sudden exodus of workers. Recruitment will ensure these workers can be replaced as they depart.

Working Holiday Makers

- WHMs may be eligible for a further WHM visa if they meet specified work and other eligibility requirements.
- For some, the Pandemic Event visa may have effectively replaced their WHM visa as a nil-VAC option to extend their stay.

Skilled

- From 30 June 2020 until 31 December 2023, 5,964 visa holders have transitioned from a Pandemic Event visa to a Temporary Skill Shortage visa.
 - A further 633 former Pandemic Event holders have outstanding Temporary Skill Shortage applications, to which they hold associated Bridging Visas.

What countries are Pandemic Event visa holders mostly from?

- Indian citizens have made up the largest cohort of visa holders since inception, with more than 32,200 visa grants. Followed by Nepal (more than 21,300), Colombia (more than 14,600), China (more than 14,200) and the United Kingdom (14,000).

What happens to Pandemic Event visa holders who apply for protection visas to remain lawfully in Australia?

- Protection visas are for people currently facing a real risk of suffering significant harm if returned to their home country and are in need of Australia's protection.
- If you apply for protection and you are refused, it is unlikely you will be able to apply for another visa while still in Australia.
- You can withdraw (or delete) your application at any time and apply for a visa that meets your circumstances.
- For more information on Australia's protection obligations visit: [Protection visas \(onshore\) \(homeaffairs.gov.au\)](https://www.homeaffairs.gov.au/protection-visas)

What responsibilities does an employer have when hiring a non-citizen?

- Before hiring a non-citizen, it's the employers responsibility to check they can work legally in Australia.
- Only Australian citizens, permanent residents and New Zealand nationals holding Special Category (subclass 444) visas have an unrestricted right to work in Australia.

- Not all visas allow a non-citizen to work in Australia. A Visitor visa or an Electronic Travel Authority (ETA) does not allow the holder to work in Australia.
- There can also be limits on how many hours a non-citizen is allowed to work, for example, a Student visa only allows a non-citizen to work full-time outside their semesters and no more than 48 hours per fortnight during a semester.
- Employers can easily check a potential employee's work conditions through the free online system – Visa Entitlement Verification Online (VEVO). You'll need the visa holders' permission, then it's easy, go to www.homeaffairs.gov.au/vevo to register.

Closure of the Pandemic Event visa may lead to a rise in illegal workers. What will the government do to tackle this problem?

- The Australian Border Force is actively targeting businesses and labour hire intermediaries who are hiring or referring illegal workers.
- There are heavy penalties for employing or referring illegal workers. You face civil and even criminal penalties for employing or referring foreign workers of up to \$63,000 (for individuals) and \$315,000 (businesses) per illegal worker and five years' imprisonment.
- Everyone working in Australia has the same rights and protections.
- Serious criminal penalties apply to employers or businesses that subject illegal foreign workers (or any worker) to conditions of trafficking, slavery, servitude, forced labour or debt bondage.
- For tips about hiring foreign workers visit www.homeaffairs.gov.au/legalworkers.
- To report illegal workers or businesses that use illegal foreign workers, contact the Department of Home Affairs via www.homeaffairs.gov.au/report or call Border Watch on 1800 009 623. You can remain anonymous.

Where can I find immigration assistance to apply for a new visa?

- There are rules about who can help you with immigration assistance. Make sure the person who is helping you is a registered migration agent, a legal practitioner or is on the list of people who are allowed to help you (an exempt person). You can find detailed information at <https://immi.homeaffairs.gov.au>.
- You should use a registered migration agent, a practising lawyer or someone else authorised to provide immigration assistance.

CLEARANCE

Lead business area
Skilled Visa Branch, Immigration Programs Division
Drafting officer

s.22(1)(a)(ii)	Director Employer Sponsored Policy	Date
----------------	------------------------------------	------

International Division clearance	
	Yes ☐ N/A ☒

Other Government agency consultation/clearance		Yes ☐ N/A ☒
Agency	Branch/area	Date (DD/MM/YYYY)
Agency	Branch/area	Date (DD/MM/YYYY)

Final SES clearance (minimum SES Band 1) and approval for release SES of been undertaken.		
Karin Maier	Assistant Secretary Skilled Visa Branch	Date

Review / Consultation		
Full Name	Position / Branch / Division or Group	Date (DD/MM/YYYY)

Media and Communication Branch		
s.22(1)(a)(ii)	Director Immigration, Citizenship and Social Cohesion Section	Date