



COVID-19 travel restrictions and exemptions for visa arrivals and Australians travelling overseas.

SUMMARY

Federal government COVID-19 restrictions on travel into and out of Australia require visa holders and travellers to seek exemptions. Ai Group has secured agreement from the Department of Home Affairs which will allow sponsors of incoming travellers to seek approval before going to the expense of a visa application.

Information on outgoing travel exemptions for Australians and Australian permanent residents will assist members to successfully apply for exemptions or to appeal rejections.

Visa holders seeking to enter Australia

Australia's borders are effectively closed to foreign arrivals including existing visa holders.

Exemptions are available for essential business activities and these have been routinely granted for workers in areas such as resources and energy and for occupations in the health sector including pharmaceuticals.

Exemptions to foreign visa arrivals also include:

- a non-citizen travelling at the invitation of the Australian Government or a state or territory government authority for the purpose of assisting in the COVID-19 response
- providing critical or specialist medical services, including air ambulance, medical evacuations and delivering critical medical supplies
- a non-citizen with critical skills or working in a critical sector in Australia. E.g. with critical skills required to maintain the supply of essential goods and services (such as in medical technology, critical infrastructure, telecommunications, engineering and mining, supply chain logistics, agricultural technology, food production, and the maritime industry)
- delivering services in sectors critical to Australia's economic recovery (such as financial technology, large scale manufacturing, film and television production and emerging technology), where no Australian worker is available
- a non-citizen whose entry would otherwise be in the national interest, supported by the Australian Government or a state or territory government authority
- military personnel, including those who form part of the Status of Forces Agreement, Commonwealth Armed Forces, Asia Pacific Forces and Status of Armed Forces Agreement
- a student completing year 11 and 12, with support from the relevant state and territory government
- travelling for compassionate and compelling reasons.

There is extensive advice on incoming travel restrictions on [the Department of Home Affairs website](#).

In response to suggestions from business stakeholders such as Ai Group, the Department of Home Affairs recently launched a new critical skills web page on the COVID19 travel exemptions site. The [dedicated page](#) includes:

- more information about travel exemption categories and requirements for individuals in critical sectors or with critical skills
- the capacity to link individuals travelling together or for the same purpose
- the capacity for individuals or companies to apply for a travel exemption **prior** to applying for or obtaining a visa
- a web enquiry [form](#) which goes to a dedicated critical skills team, who will respond to critical skills enquiries within two (2) business days.

New visa applications

Businesses continue to apply for and get approval to recruit skilled labour from overseas subject to exemptions, including subclass 482 visas which replaced the 457 visa category. Following Ai Group's intervention, the Department of Home Affairs is allowing businesses to apply for exemptions **before** a full visa application has been submitted. This allows a business to avoid the costly application process for a visa holder who may be later refused entry due to the travel restrictions.

Restrictions on leaving Australia

A *Do Not Travel* advice is current for all Australians considering traveling overseas. These travel restrictions also apply to permanent residents or New Zealand citizens usually resident in Australia.

Exemptions to these rules for travellers to and from Australia can be found on the Department of Home Affairs [dedicated web portal for travel exemptions applications](#) – which supports streamlined business processes, including allowing applicants to check on the status of their application, along with better workflow and prioritisation by travel date.

Have you been refused permission to travel?

If you apply and are refused permission for travel to or from Australia, and you have a compelling business-critical case, Ai Group may be able to help. Contact Ai Group's Workplace Advice line on 1300 55 66 77 or our Head of Government Affairs, Tony Melville: melville@aigroup.com.au.

Stood down visa holders

Holders of Temporary Skill Shortage (subclass 482) and subclass 457 visa holders, and other employer sponsored visa categories, who have been stood down but not laid off due to COVID-19, will maintain a valid visa. Businesses will have the opportunity to extend their visa as per normal arrangements.

Businesses are permitted to reduce hours without being in breach of visa conditions or the business being in breach of their employer obligations.

Visa holders who have been laid off and are currently unemployed, are required to find another employer within 60 days or make arrangements to leave Australia, where this is possible.

If they cannot return to their home country, they still need to maintain a valid visa and follow Australia's health advice.

Holders of temporary work visas currently employed in COVID-19 critical sectors – health care, aged and disability care, childcare, or agriculture and food processing – may be eligible for a [Temporary Activity Visa \(subclass 408\) Australian Government Endorsed Agreement Event stream \(COVID-19 Pandemic event visa\)](#).

Temporary residents are not eligible to apply for COVID-19 early release of super in the 2020–21 financial year. Please refer to the [Australian Taxation Office on early access to superannuation](#).

Visa holders whose temporary work visa is expiring, who are not working in a critical sector, and are unable to return home because of entry restrictions and can't meet the requirements for another visa, may still be eligible for [the COVID-19 Pandemic event visa](#). They will need to demonstrate why they can't meet the requirements for another visa. This could include a statement and evidence that you do not have access to sufficient funds to be able to pay a further visa application charge (VAC).

Do you require further COVID-19 related advice?

Ai Group has set up a special [section on our website](#) to provide access to Ai Group advice and assistance relating to the COVID-19 pandemic.

A handwritten signature in black ink that reads 'A Melville'.

Anthony Melville

Head of Government Affairs

FURTHER INFORMATION

For further information or assistance, please contact the Ai Group Workplace Advice Line on 1300 55 66 77.