



LIN 21/069

**Australian Citizenship (special residence requirement) Instrument
(LIN 21/069) 2021**

I, Alex Hawke, Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, make this instrument under section 22C of the *Australian Citizenship Act 2007* (the *Act*).

Dated 11 October 2021

Alex Hawke

Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

Part 1 Preliminary

1 Name

This instrument is the *Australian Citizenship (special residence requirement) Instrument (LIN 21/069) 2021*.

2 Commencement

This instrument commences on the day after registration.

3 Definitions

In this instrument:

ICC means the International Cricket Council.

Migration Regulations means the *Migration Regulations 1994*.

participation in an Australian team means participation by a person who is an athlete in an Australian sports team.

relevant talent visa means one of the following visas, excluding those for which an applicant received an invitation from the Department to apply for:

- (a) a Distinguished Talent (Migrant) (Class AL) visa, within the meaning given by the Migration Regulations, in respect of which an application was made before 14 November 2020; or
- (b) a Distinguished Talent (Residence) (Class BX) visa, within the meaning given by the Migration Regulations, in respect of which an application was made before 27 February 2021; or
- (c) a Global Talent (Class BX) visa, within the meaning given by the Migration Regulations, in respect of which an application was made on or after 27 February 2021.

S&P/ASX All Australia 200 listed company means one of the 200 Australian Securities Exchange listed companies in the S&P/ASX 200 share market index.

scientist means someone with an expert knowledge of science, including someone professionally qualified in one or more of the branches of science.

Note 1: The branches of science include natural science, social science and formal science.

Note 2: The companies in the S&P/ASX All Australia 200 are listed at <https://www.spglobal.com/spdji/en/indices/equity/sp-asx-200/#data> and are ordinarily rebalanced every quarter.

4 Repeal

Australian Citizenship Act 2007 - Specification under section 22C - Special Residence Requirement - June 2013 (F2013L01123) (IMMI 13/056), signed on 29 May 2013, is repealed.

5 Specified activities and organisations

Under subsections 22C(1) and (2) of the Act:

- (a) for subparagraph 22A(1)(a)(i), an activity mentioned in an item of the following table is specified; and
- (b) for paragraph 22A(1)(b), an organisation mentioned in an item of the following table is specified in relation to the activity mentioned for the item.

Item	Activity	Organisation
1	Employment in a position which requires a Negative Vetting 2 or higher security clearance in a Commonwealth entity that is: (a) a Department; (b) an executive agency; or (c) a statutory agency.	A Commonwealth entity that is: (a) a Department; (b) an executive agency; or (c) a statutory agency.
2	Participation in an Australian team in the Olympic Winter Games or Olympic Summer Games, including qualifying events	Australian Olympic Committee
3	Participation in an Australian team in the Paralympic Winter Games or Paralympic Summer Games, including qualifying events	Australian Paralympic Committee
4	Participation in an Australian team in the Davis Cup or Fed Cup, including qualifying events	Tennis Australia
5	Participation in an Australian team in the Commonwealth Games, including qualifying events	Commonwealth Games Australia
6	Participation in an Australian team for any men's or women's international cricket match, including: (a) Test cricket; (b) one-day internationals; (c) Twenty20 International; (d) a match played as part of an ICC event; or (e) other matches organised or sanctioned by the ICC from time to time to which the ICC deems appropriate that the ICC Regulations should apply.	Cricket Australia

6 Specified kinds of work

- (1) Under subsection 22C(3) of the Act, for paragraph 22B(1)(a), the kinds of work set out in subsections (2) and (3) are specified.
- (2) Work that is:
 - (a) done on duty by a crew member of a ship or aircraft; or
 - (b) done on duty on a resources installation or a sea installation; or
 - (c) done in the course of duty by an employee of an S&P/ASX All Australian 200 listed company in one of the following positions:
 - (i) a chief executive officer; or
 - (ii) an executive manager; or
 - (d) research and development of benefit to Australia done as a scientist who has been awarded a Doctor of Philosophy in their field of specialty and is employed by an Australian university; or
 - (e) done in the course of duty as a scientist employed by:
 - (i) the Commonwealth Scientific and Industrial Research Organisation; or
 - (ii) a medical research institute that is a member of the Association of Australian Medical Research Institutes; or

-
- (f) done in the course of duty as a medical specialist of internationally recognised record of exceptional and outstanding achievement in their field of speciality, who:
- (i) is a fellow of an organisation listed in column 1 of an item in the table in clause 1 in Schedule 1 to the *Health Insurance Regulations 2018*; and
 - (ii) holds a qualification relevant to the organisation.
- (3) Work that is in one of the following areas:
- (a) academia and research; or
 - (b) the arts; or
 - (c) a profession; or
 - (d) a sport;
- where the particular kind of work is done by a person who is or has been a primary holder of a relevant talent visa and the visa was granted based on an internationally recognised record of exceptional and outstanding achievement in the same area.

Unless otherwise indicated in this document, it is Copyright of the Commonwealth of Australia and the following applies:

Copyright Commonwealth of Australia.

This material does not purport to be the official or authorised version. Reproduction and use of this material is subject to a [Creative Commons Attribution-NonCommercial-ShareAlike 3.0 Australia License](#).

You should make independent inquiries and obtain appropriate advice before relying on the information in any important matter.

This document has been distributed by LexisNexis Australia. All queries regarding the content should be directed to the author of this document.