



Migration Amendment (Mobility Arrangements for Talented Early-professionals Scheme) Regulations 2024

I, the Honourable Sam Mostyn AC, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 7 November 2024

Sam Mostyn AC
Governor-General

By Her Excellency's Command

Tony Burke
Minister for Immigration and Multicultural Affairs

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1 Name

This instrument is the *Migration Amendment (Mobility Arrangements for Talented Early-professionals Scheme) Regulations 2024*.

2 Commencement

(1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	12 November 2024

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Migration Act 1958*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Migration Regulations 1994

1 Paragraph 1234(3)(b) of Schedule 1

Omit “paragraph (cae)”, substitute “paragraphs (cae) and (cag)”.

2 After paragraph 1234(3)(caf) of Schedule 1

Insert:

(cag) If an applicant is seeking to satisfy the primary criteria for a Subclass 403 (Temporary Work (International Relations)) visa in the Mobility Arrangement for Talented Early-professionals Scheme stream, the applicant:

- (i) must be outside Australia when the application is made; and
- (ii) must meet the requirements in subitem (3F).

3 After subitem 1234(3E) of Schedule 1

Insert:

(3F) For the purposes of subparagraph (3)(cag)(ii), an applicant meets the requirements in this subitem if:

- (a) the applicant is not, and has not previously been, in Australia as the holder of a Subclass 403 (Temporary Work (International Relations)) visa in the Mobility Arrangement for Talented Early-professionals Scheme stream; and
- (b) the applicant holds a valid passport issued by the Republic of India; and
- (c) the requirements of the following table are met.

Requirements for certain applicants

Item	Requirements
1	The applicant is a selected participant for a visa pre-application process (the <i>relevant process</i>) conducted in relation to: <ul style="list-style-type: none">(a) the Subclass 403 (Temporary Work (International Relations)) visa in the Mobility Arrangement for Talented Early-professionals Scheme stream; and(b) the Republic of India
2	At the beginning of the registration open period for the relevant process, the applicant was at least 18 and no more than 30
3	At the time the applicant became a registered participant for the relevant process, the applicant held a valid passport issued by the Republic of India
4	The applicant: <ul style="list-style-type: none">(a) must have graduated from a foreign educational institution specified by the Minister in an instrument in writing for the purposes of this table item; and(b) must have so graduated within 2 years of the beginning of the registration open period for the relevant process
5	The application must be made on or before the date specified in the notice of selection given to the applicant as the date by which the applicant must make a valid visa application for a Subclass 403 (Temporary Work (International Relations)) visa in the Mobility Arrangement for Talented Early-professionals Scheme stream

4 At the end of item 1234 of Schedule 1

Add:

(5) In this item:

notice of selection, in relation to a particular visa pre-application process, means the notice of selection given to a selected participant in that process in accordance with the visa pre-application process determination for that process.

registered participant, for a particular visa pre-application process, means a person registered as a participant in that process in accordance with the visa pre-application process determination for that process.

registration open period, for a particular visa pre-application process, means the period during which the process is open for registration in accordance with the visa pre-application process determination for that process.

selected participant, for a particular visa pre-application process, means a person selected as a participant in that process in accordance with the visa pre-application process determination for that process.

Note: The person must be a registered participant in that process: see subsection 46C(2) of the Act.

visa pre-application process means a visa pre-application process conducted under subsection 46C(1) of the Act.

visa pre-application process determination, in relation to a particular pre-visa application process, means the determination:

- (a) made for the purposes of subsection 46C(14) of the Act that applies in relation to that process; and
- (b) as in force at the beginning of the registration open period for that process.

5 Division 403.2 of Schedule 2 (note to Division heading)

Omit:

An application for a Subclass 403 visa will be assessed against as many streams as necessary, whether or not the applicant specifies a particular stream in the application. The criteria in Subdivisions 403.22 to 403.29 will be used in turn as primary criteria for the grant of the visa as the application is assessed.

substitute:

If an applicant applies for a Subclass 403 visa in the Mobility Arrangement for Talented Early-professionals Scheme stream, the criteria in Subdivisions 403.21 and 403.26 are the primary criteria for the grant of the visa.

If an applicant applies for a Subclass 403 visa and specifies a stream other than the Mobility Arrangement for Talented Early-professionals Scheme stream or does not specify a particular stream, the application will be assessed against as many streams (other than the Mobility Arrangement for Talented Early-professionals Scheme stream) as is necessary. The criteria in Subdivisions 403.22 to 403.25 and 403.29 will be used in turn as primary criteria for the grant of the visa as the application is assessed.

6 After Subdivision 403.25 of Schedule 2

Insert:

403.26—Criteria for Mobility Arrangement for Talented Early-professionals Scheme stream

Note: These criteria are only for applicants being assessed against the primary criteria for a Subclass 403 visa in the Mobility Arrangement for Talented Early-professionals Scheme stream.

403.261

- (1) The applicant holds a qualification that:
 - (a) is of a kind specified by the Minister in an instrument in writing for the purposes of this paragraph; and
 - (b) relates to an industry specified by the Minister in an instrument in writing for the purposes of this paragraph.
- (2) The qualification was conferred or awarded by a foreign educational institution specified by the Minister in an instrument in writing for the purposes of this subclause.

403.262

- (1) The applicant satisfies any language test requirements specified by the Minister in an instrument made for the purposes of this subclause.
- (2) If the Minister requires the applicant to demonstrate the applicant's English language proficiency, the applicant demonstrates the applicant's English language proficiency in the manner specified by the Minister.

403.263

The applicant:

- (a) satisfies public interest criterion 4005; and
- (b) if the applicant had turned 18 at the time of application—satisfies public interest criterion 4019.

7 After paragraph 403.311(c) of Schedule 2

Insert:

- (ca) a Subclass 403 visa in the Mobility Arrangement for Talented Early-professionals Scheme stream;

8 After paragraph 403.316(3)(b) of Schedule 2

Insert:

- (ba) a Subclass 403 visa in the Mobility Arrangement for Talented Early-professionals Scheme stream; or

9 After subparagraph 403.316(4)(a)(ii) of Schedule 2

Insert:

- (iia) a Subclass 403 visa in the Mobility Arrangement for Talented Early-professionals Scheme stream; or

10 Subclause 403.511(1) of Schedule 2

Omit “If”, substitute “Unless subclause (1A) applies, if”.

11 After subclause 403.511(1) of Schedule 2

Insert:

- (1A) For a Subclass 403 visa in the Mobility Arrangement for Talented Early-professionals Scheme stream—temporary visa permitting the holder:
 - (a) to travel to and enter Australia, within 12 months after the date of the grant of the visa; and
 - (b) to remain in Australia for 24 months after first entry.

12 After clause 403.613 of Schedule 2

Insert:

403.614

- (1) This clause applies to an applicant who satisfies the primary criteria for the grant of a Subclass 403 visa in the Mobility Arrangement for Talented Early-professionals Scheme stream.
- (2) The visa is subject to conditions 8303, 8501 and 8516.
- (3) Conditions 8301, 8502, 8503, 8525 and 8526 may be imposed.

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