



Australian Government

Department of Home Affairs

# New Skilled Regional Visas

# New Skilled Regional Visas

## Provisional and Permanent

- Two new provisional visas will be introduced from 16 November 2019 to assist regional Australia:
  - Skilled Work Regional (Provisional) (SWR) visa
    - Subclass 491
  - Skilled Employer Sponsored Regional (Provisional) (SESR) visa
    - Subclass 494
- A third new visa will be introduced from 16 November 2022 for persons who hold a subclass 491 or 494 visa at the time of application:
  - Permanent Residence (Skilled Regional) visa
    - Subclass 191



# Regional definition

## Designated regional area

- Currently four definitions of 'regional' across nine different skilled migration visas
- These will be replaced with one simplified definition from November:  
Regional will encompass all of Australia except:
  - Brisbane and Gold Coast
  - Melbourne
  - Perth
  - Sydney



# Occupations

- Employers in regional Australia, as well as State and Territory governments, who sponsor regional skilled migrants will have access to more occupations than the equivalent non-regional visas.
  - the new Skilled Employer Sponsored Regional (Provisional) visa will have 673 eligible occupations (Over 450 more occupations than closest non-regional equivalent visa).
  - the new Skilled Work Regional (Provisional) visa will have 504 eligible occupations (77 more than closest non-regional equivalent visa).

## What is the difference between the old and new regional visas?

- Applicants for the new Skilled Work Regional (Provisional) visa will have access to more points for regional nomination/sponsorship.
- Priority processing.
- Require the holder and their families to live, work and study in a regional area for three years.
- Report any change of circumstances to the Department within 14 days.
- May be required to attend an interview or provide supporting evidence to demonstrate that they are living and working in regional Australia.
- Migrants are more likely to stay in a regional area longer-term.



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# Skilled Work Regional (Provisional) Visa

# Subclass 491

- Skilled Work Regional (Provisional) visa
- Replaces the subclass 489 First Provisional stream
- Two invitation pathways
  - State / Territory nominated
  - Family sponsored
- Required to declare that all applicants have a genuine intention to live, work and study in a designated regional area
- Australian Values Statement applies to all 16 yrs and over
- 5 year grant period
- More rigorous regional compliance framework (conditions 8578, 8579, 8580 & 8581 imposed on all visa holders)
- Points test amended (6D)



# Visa – Skilled Work (Provisional)

## Other:

- Lodge an Expression of Interest and are invited to apply
- Form 491 V (Internet) lodged online
- **Primary applicant: \$4045**
  - additional applicant: over 18yrs **\$2025** under 18yrs **\$1010**
- **Second VAC: \$4890** if any adult applicant does not meet Functional English
- Under 45 years of age
- An occupation on the relevant skilled occupation list
- Competent English language skills
- Meet the Points Test pass mark (65 points minimum);
- Eligible to apply for a subclass 191 – Permanent Residence (Skilled Regional) visa



| Factor  | Description   | Current Points | New Points |
|---|---|----------------|------------|
| Nomination/sponsorship (where required)   | Nomination by state or territory government (visa subclass 190 only)  | 5              |            |
|   | Nomination by state or territory government or sponsorship by an eligible family member to reside and work in a specified/designated area | 10             | +5 = 15    |
| Age   | Not less than 18 and under 25   | 25             |            |
|   | Not less than 25 and under 33   | 30             |            |
|   | Not less than 33 and under 40   | 25             |            |
|   | Not less than 40 and under 45   | 15             |            |
| English language ability<br>The test must be undertaken no more than 36 months before invitation to apply for the visa.         | Proficient English  | 10             |            |
|   | Superior English  | 20             |            |
| Skilled employment<br>A maximum of 20 points can be awarded for any combination of skilled employment in and outside Australia. | Outside Australia: employed in nominated skilled occupation or a closely related skilled occupation                                       |                |            |
|   | • For period totalling at least 36 months in the 10 years immediately before invitation   | 5              |            |
|   | • For period totalling at least 60 months in the 10 years immediately before invitation   | 10             |            |
|   | • For period totalling at least 96 months in the 10 years immediately before invitation   | 15             |            |
|   | In Australia: employed in nominated skilled occupation or a closely related skilled occupation  |                |            |
|   | • For period totalling at least 12 months in the 10 years immediately before invitation   | 5              |            |
|   | • For period totalling at least 36 months in the 10 years immediately before invitation   | 10             |            |
|   | • For period totalling at least 60 months in the 10 years immediately before invitation   | 15             |            |
|   | • For period totalling at least 96 months in the 10 years immediately before invitation   | 20             |            |

| Factor  | Description   | Current Points | New Points |
|---|---|----------------|------------|
| Qualifications<br>Met the requirements for... | Doctorate from an Australian educational institution or other doctorate of a recognised standard  | 20             |            |
|   | At least a bachelor degree from an Australian educational institution or other degree of a recognised standard  | 15             |            |
|   | Diploma or trade qualification completed in Australia   | 10             |            |
|   | An award or qualification recognised by the assessing authority in the assessment of the skilled occupation   | 10             |            |
| Australian study requirement                  | At least one degree, diploma or trade qualification from an Australian educational institution that meets the Australian study requirement                        | 5              |            |
| Specialist Educational Qualification          | A Masters degree by research or a Doctorate degree from an Australian educational institution that included at least two academic years in a relevant STEM field. | 5              | +5 = 10    |
| Other factors                                 | Accredited in a community language  | 5              |            |
|   | Study in regional Australia or a low population growth metropolitan area (excluding distance education)   | 5              |            |
|   | Partner skill qualifications  | 5              | +5 = 10    |
|   | Partner with competent English but not eligible for Partner skill qualifications points   | 0              | 5          |
|   | Single applicants (no partner)  | 0              | 10         |
|   | Professional year in Australia for at least 12 months in the four years before the day applicants are invited to apply  | 5              |            |

# Regional compliance framework

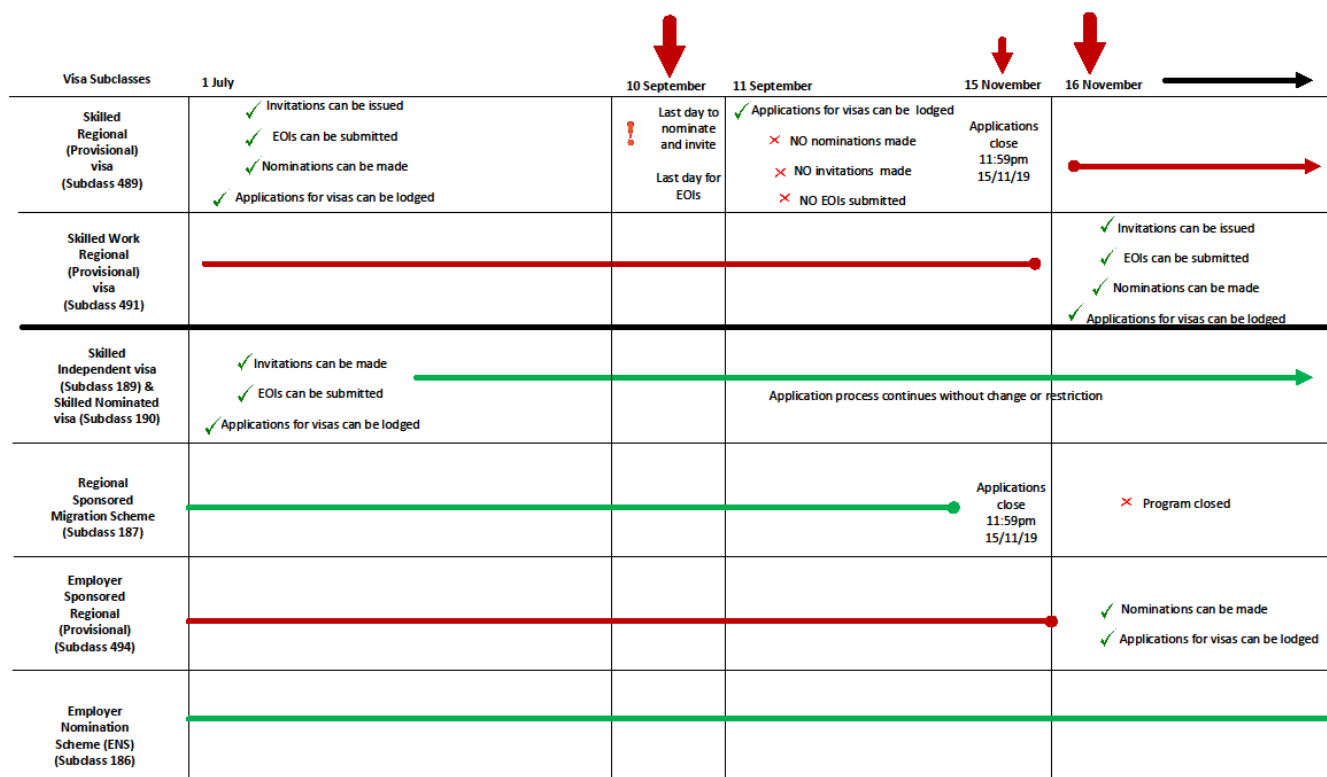


PLEASE!!  
NOTE

- 8578 – notify immigration of changes within 14 days
- 8579 – live, work and study only in a designated regional area
- 8580 – if requested to do so, provide evidence within 28 days
- 8581 – if requested to do so, attend an interview

# Transitional arrangements

Skilled Regional Provisional Visas – Transitional Timeline





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# Skilled Employer Sponsored Regional (Provisional) Visa

# Subclass 494 visa program

## Skilled Employer Sponsored Regional (Provisional) visa

- Will be incorporated into the Standard Business Sponsorship framework
  - no separate sponsorship class created
  - existing SBS will be able to lodge SESR nominations
  - sponsorship obligations will apply – some regulations have been amended
- Two streams
  - Employer Sponsored
  - Labour Agreement

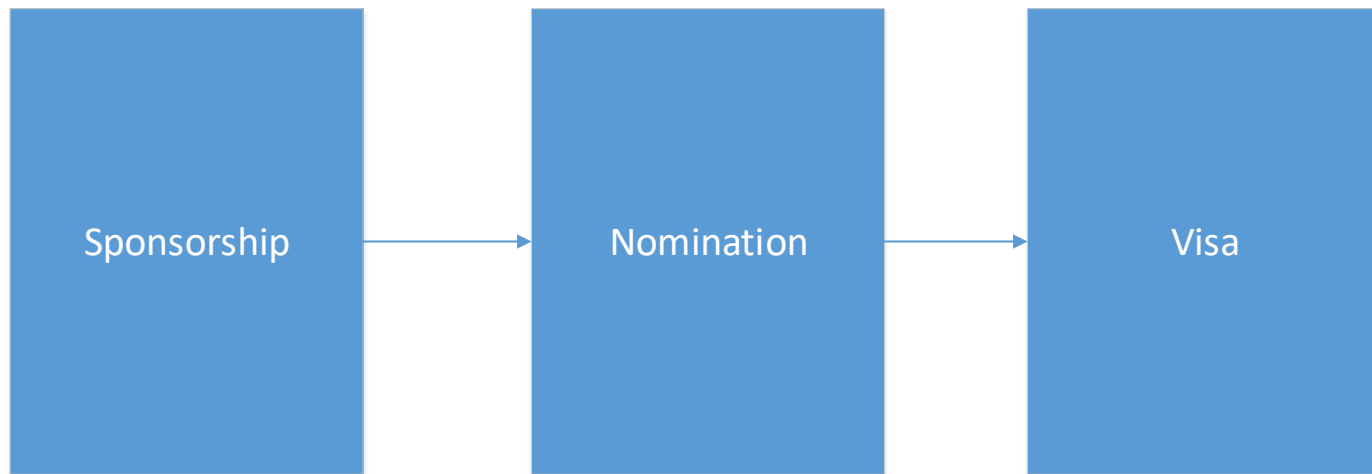


# Visa - SESR

- Form 494V (Internet) lodged online
- Fees: **Primary applicant: \$4045**  
additional applicant: over 18yrs **\$2025** under 18yrs **\$1010**  
**Second VAC: \$4890** if adult applicant does not meet Functional English
- Grant period will be 5 years
- Eligible for Medicare – health insurance not required
- GTE requirement does not apply
- Doctor registration requirement does not apply
- Regional compliance conditions + 8608 (similar to 8607)

# Subclass 494 visa program

Three stages





# Nomination - SESR

## Nomination requirements include:

- Form 494N (Internet) lodged online
- NIL nomination fee
- Applicant must be an approved sponsor
  - SBS – Australian businesses only
  - party to a Labour Agreement that authorises subclass 494 visas
- Position must be located in a designated regional area
- Occupation must be specified in the relevant occupation list or in the Labour Agreement (and any caveats met)
- Must be a genuine position
- Labour Market Testing must be undertaken (no International Trade Obligations exemptions)
- Full-time position (no provision to disregard)
- Annual Market Salary Rate requirements (no provision to disregard for part-time)
- No information that employment conditions are less favourable than for an Australian worker

# Nomination - SESR

Nomination requirements include:



- Must be engaged as an employee under a written contract of employment (unless exempt)
- Associated entity provisions apply
- Sponsor must not have engaged in discriminatory recruitment practices
- SAF contribution must be paid
  - \$3000 small business / \$5000 other businesses
  - pro-rata SAF levy if nomination is for a 494 holder to change employer (must provide visa grant date)
- Regional Certifying Body certification provided regarding AMSR
- No adverse information

# Visa - SESR

## Visa requirements include:

- No adverse info about sponsor
- Under 45 at time of application
- Have an approved subclass 494 nomination that hasn't ceased (in the correct stream)
- If in Australia, hold a substantive or Bridging Visa A, B or C
- Successful skills assessment at time of application
- Genuine intention to perform occupation
- Have at least three years' full-time relevant work experience in the nominated occupation or a related field, at the same level of skill
- Competent English at time of application
- Meet health and character requirements (one fail – all fail)
- Australian Values applies to all 16 and over
- Members of the Family Unit are listed in nomination or sponsor has agreed to include in writing

# Transitional arrangements

- No new RSMS Direct Entry applications will be able to be lodged from 16 November 2019
- RSMS TRT applications will only be able to be lodged if the nominee is either:
  - a transitional 457 worker, or
  - a transitional 482 worker
- RSMS nominations lodged before 16 November 2019 where the:
  - nomination has not been approved or refused before 16 November 2019; and
  - nominee is not a *transitional 457 worker* or a *transitional 482 worker*; and
  - nominee has not lodged a 187 visa application before 16 November 2019

**are taken to be withdrawn on 16 November 2019.**

# Transitional arrangements

| I have ...   | I can...   |
|--|--|
| <b>an existing SBS sponsorship</b>   | <ul style="list-style-type: none"> <li>nominate overseas workers under the TSS program or the new SESR program</li> </ul>  |
| <b>an approved RSMS DE nomination but a visa application has not been lodged</b>   | <ul style="list-style-type: none"> <li>not lodge an RSMS DE visa application</li> <li>request the SAF levy be refunded as my nomination cannot be used</li> </ul>  |
| <b>an approved RSMS TRT nomination but a visa application has not been lodged, and my nominee is not a transitional 457 or 482 worker</b>                                  | <ul style="list-style-type: none"> <li>not lodge an RSMS TRT visa application</li> <li>request the SAF levy be refunded as my nomination cannot be used</li> </ul> |
| <b>an approved RSMS TRT nomination but a visa application has not been lodged, and my nominee is a transitional 457 or 482 worker</b>                                      | <ul style="list-style-type: none"> <li>lodge an RSMS TRT visa application</li> </ul>   |
| <b>an RSMS nomination (DE or TRT) that hasn't been approved or refused, a visa application has not been lodged, and my nominee is not a transitional 457 or 482 worker</b> | <ul style="list-style-type: none"> <li>request the SAF levy be refunded as my nomination is deemed to be withdrawn</li> </ul>                                      |

# Permanent Residence (Skilled Regional) (subclass 191) – PR Pathway

- The new Permanent Residence (Skilled Regional) (subclass 191) visa comes into effect on 16 November 2022.
- The key requirements for this visa are:
  - The primary applicant must have held a regional provisional visa for at least 3 years;
  - The primary application must have earned a minimum taxable income for three years as the holder of a regional provisional visa (level still to be determined by the Minister);
  - complied with the conditions of the regional provisional visa; particularly the requirement to live, work and study in a designated regional area of Australia.
- Applicants can also apply for a subclass 189 or 190 after 3 years if invited to apply



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# Questions