



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) Nomination by state or territory government or sponsorship by an eligible family member to reside and work in a specified/designated area	5 10	+5 = 15
Age	Not less than 18 and under 25 Not less than 25 and under 33 Not less than 33 and under 40 Not less than 40 and under 45	25 30 25 15	
English language ability <i>The test must be undertaken no more than 36 months before invitation to apply for the visa.</i>	Proficient English Superior English	10 20	
Skilled employment <i>A maximum of 20 points can be awarded for any combination of skilled employment in and outside Australia.</i>	Outside Australia: employed in nominated skilled occupation or a closely related skilled occupation <ul style="list-style-type: none"> For period totalling at least 36 months in the 10 years immediately before invitation For period totalling at least 60 months in the 10 years immediately before invitation For period totalling at least 96 months in the 10 years immediately before invitation In Australia: employed in nominated skilled occupation or a closely related skilled occupation <ul style="list-style-type: none"> For period totalling at least 12 months in the 10 years immediately before invitation For period totalling at least 36 months in the 10 years immediately before invitation For period totalling at least 60 months in the 10 years immediately before invitation For period totalling at least 96 months in the 10 years immediately before invitation 	5 10 15 5 10 15 20	

Factor	Description	Current Points	New Points
Qualifications 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

Visa Subclasses	1 July	10 September	11 September	15 November	16 November
Skilled Regional (Provisional) visa (Subclass 489)	<ul style="list-style-type: none"> ✓ Invitations can be issued ✓ EOIs can be submitted ✓ Nominations can be made ✓ Applications for visas can be lodged 	<ul style="list-style-type: none"> ⚠ Last day to nominate and invite ⚠ Last day for EOIs 	<ul style="list-style-type: none"> ✓ Applications for visas can be lodged ✗ NO nominations made ✗ NO invitations made ✗ NO EOIs submitted 	Applications close 11:59pm 15/11/19	
Skilled Work Regional (Provisional) visa (Subclass 491)					<ul style="list-style-type: none"> ✓ Invitations can be issued ✓ EOIs can be submitted ✓ Nominations can be made ✓ Applications for visas can be lodged
Skilled Independent visa (Subclass 189) & Skilled Nominated visa (Subclass 190)	<ul style="list-style-type: none"> ✓ Invitations can be made ✓ EOIs can be submitted ✓ Applications for visas can be lodged 			Application process continues without change or restriction	
Regional Sponsored Migration Scheme (Subclass 187)				Applications close 11:59pm 15/11/19	<ul style="list-style-type: none"> ✗ Program closed
Employer Sponsored Regional (Provisional) (Subclass 494)					<ul style="list-style-type: none"> ✓ Nominations can be made ✓ Applications for visas can be lodged
Employer Nomination Scheme (ENS) (Subclass 186)					



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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

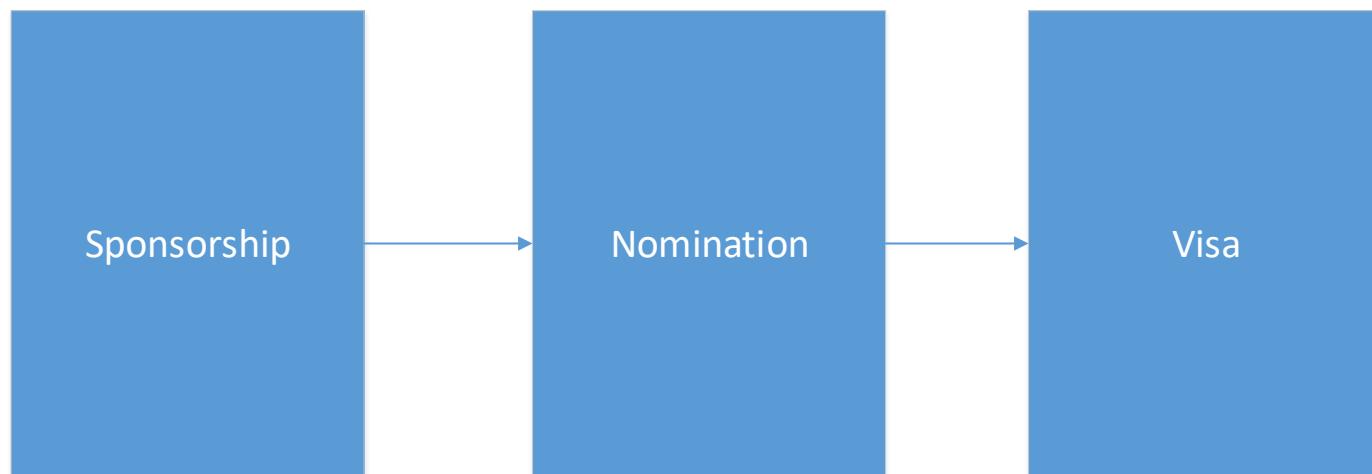


Visa - SESR

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

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