

New Skilled Regional Visas

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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.



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 years 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)

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	
	Not less than 18 and under 25	25	
English language ability The test must be undertaken no more than 36 months before invitation to apply for the visa.	Proficient English	10	
	Superior English	20	



Factor	Description	Current Points	New Points
Skilled employment 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 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



Factor	Description	Current Points	New Points
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

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

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



Skilled Employer Sponsored Regional (Provisional) Visa



Subclass 494

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 – Skilled Employer Sponsored Regional (Provisional)

Form 494V (Internet) lodged online

Fees: Primary applicant: \$4045

additional applicant:

- over 18yrs \$2025
- under 18yrs \$1010

Second VAC: \$4890 if any 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)

Employer



Subclass 494 visa program

Three stages



Sponsorship



Nomination



Visa



Nomination: SESR

Nomination
requirements
include: (1/2)

- 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: (2/2)

- 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: (1/2)

- 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:

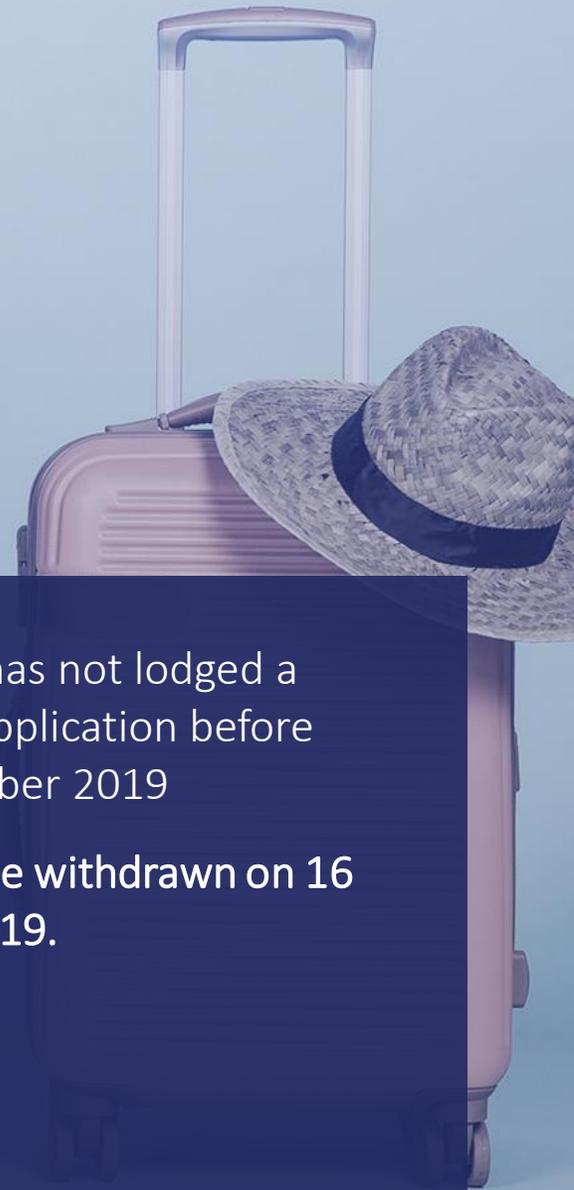
- a transitional 457 worker, or
- a transitional 482 worker

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:

an existing SBS sponsorship

an approved RSMS DE nomination but a visa application has not been lodged

an approved RSMS TRT nomination but a visa application has not been lodged, and my nominee is not a transitional 457 or 482 worker

I can

nominate overseas workers under the TSS program or the new SESR program

- not lodge an RSMS DE visa application
- request the SAF levy be refunded as my nomination cannot be used

- not lodge an RSMS TRT visa application
- request the SAF levy be refunded as my nomination cannot be used



Transitional arrangements

I have:

an approved RSMS TRT nomination but a visa application has not been lodged, and my nominee is a transitional 457 or 482 worker

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

I can

lodge an RSMS TRT visa application

request the SAFlevy 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

For more information please visit www.seekvisa.com.au
or give us a call at +61 (03) 9521 7577

