



Changes to Points Tested Skilled Migration Visas

The following information is a guide only and is subject to a legislative change process. More information will be available closer to **1 July 2012**.

The Australian Government has proposed changes to the points based skilled migration visa program, which are scheduled to commence from **1 July 2012**. These changes will include the merging of the six existing points tested skilled migration visa subclasses into three subclasses.

These changes are part of the skilled migration reforms that were announced on 8 February 2010 that ensure the skilled migration program continues to be responsive to changes in Australia's labour market.

Visa Subclass Changes

Currently, there are six different visas for points tested, non-employer sponsored skilled migration visa applications granted in and outside Australia:

- Applications in Australia
 - subclass 885 (skilled independent)
 - subclass 886 (skilled nominated/sponsored)
 - subclass 487 (skilled regional sponsored)
- Applications outside Australia
 - subclass 175 (skilled independent)
 - subclass 176 (skilled nominated/sponsored)
 - subclass 475 (skilled regional sponsored).

From 1 July 2012, the distinction between the locations of a visa applicant will be removed and these six subclasses will be replaced by three new points tested skilled migration visa subclasses. Intending migrants who are invited to apply for these visas, through SkillSelect may be either in or outside Australia when they apply for the visa, and at the time the visa is decided:

- subclass 189 (skilled independent) (will replace subclasses 885 and 175)
- subclass 190 (skilled nominated) (will replace subclasses 886 and 176)
- subclass 489 (skilled regional) (will replace subclasses 487 and 475).

The subclass 485 (skilled graduate) and the subclass 476 (skilled recognised graduate) non points tested skilled migration visa subclasses will not change. The subclass 887 (skilled regional) visa will be changed to allow for applications from the new subclass 489 (skilled regional sponsored) visa. The in or outside Australia location requirements will remain for these three visas (subclasses 476, 485 and 887).

Key Dates

Introduction of SkillSelect and new points tested skilled migration visas:

- From 1 July 2012, individuals both in and outside Australia may lodge an expression of interest (EOI) through SkillSelect for subclasses 189, 190 or 489.

Phasing out of existing points tested skilled migration visa subclasses:

- From 1 July 2012, points tested skilled migration visas granted outside Australia (subclasses 175, 176 and 475) will be closed for new applications
- From 1 January 2013, points tested skilled migration visas granted in Australia (subclasses 885, 886 and 487) will be closed for new applications.

SkillSelect

SkillSelect will be introduced on 1 July 2012 and will change the way people seek to migrate to Australia. Rather than applying for a skilled migration visa, people will instead first record their details through an online EOI. This EOI will include basic personal information, and will also be the stage when the intending migrant will have their skills and attributes ranked against a points test, if they seek a points tested skilled migration visa. More information on SkillSelect is available on the department's website.

See: www.immi.gov.au/skills/skillselect

Threshold eligibility requirements common to the new visas

Key changes to threshold eligibility requirements

There are four important proposed changes to the current General Skilled Migration visa threshold eligibility requirements:

- a new requirement to have been invited to apply
- location requirements broadened
- Australian study or recent work experience pathway requirements removed
- eligible visa requirements expanded.

As the in and outside Australia location requirements have been removed, applicants, including dependent family members, no longer need to be in specified locations. Intending migrants may submit an EOI, be invited to apply, apply and have their application decided while either in or outside Australia.

It is also intended that the recent work experience and Australian study requirements be removed as threshold eligibility requirements.

Where the intending migrant is lawfully in Australia when lodging their application, it will no longer be necessary for them to hold a particular prerequisite visa, such as a student visa. Anyone holding a substantive visa, or a Bridging visa A, B or C, will be eligible to apply if invited, provided they meet the other eligibility requirements.

Continuing threshold eligibility requirements

Many of the current points tested skilled migration visa threshold requirements will continue under the new visa regime.

All primary applicants must be under 50 years of age at the time of invitation.

All primary applicants must also have Competent English. Competent English is defined as an International English Language Test System (IELTS) score of at least six in each of the four

components of the IELTS test; or at least B in the Occupational English Test (OET) test; or being a citizen and passport holder of either the UK, Canada, New Zealand, Republic of Ireland or the USA.

Health, character and Australian values requirements will continue to be part of the new visas' threshold requirements.

Skilled occupation requirement

Skilled occupation requirements remain central to the new skilled visas. Intending migrants wanting to submit an EOI through SkillSelect must nominate a skilled occupation from the relevant skilled occupation list in effect when they are invited to apply. They should have a suitable skills assessment for their occupation before they make an EOI. If invited to lodge an application they will need to present a suitable skills assessment in this occupation from their nominated occupation's assessing authority. Further information on assessing authorities is available on the department's website.

See: www.immi.gov.au/asri

The Points Test

To be selected to apply for the three new skilled migration visa subclasses (189, 190 and 489), intending migrants will be ranked against a points test.

The pass mark for points tested skilled migration visas is currently 65 points. It is important to understand the pass mark can change as it is used as a way of managing the program. If invited to apply, applicants will need to demonstrate that their claimed scores against points test factors were correct at the time they were invited to apply.

While the Australian study and skilled employment experience requirements will be removed as threshold requirements, they will remain as factors for receiving points under the points test.

To ensure selection of applicants remains competitive and fair, where a person is invited to make an application, the score they receive at the time their application is assessed must be equal to or greater than the score upon which they were invited. It is intended that persons who make false claims to inflate their scores when they submit their EOI will have any application based on those scores refused. An updated points test will apply from 1 July 2012 with the introduction of the new visa subclasses.

See: www.immi.gov.au/skilled/general-skilled-migration/pdf/points-tested-migration-fact-sheet.pdf

Secondary Applicants

Applicants for a skilled migration visa can include other members of their family unit with their application. While the primary applicant must satisfy the primary criteria, including the threshold requirements and the points test, members of their family unit who are making a combined application need to satisfy the secondary applicant criteria. They must demonstrate a family relationship with the primary applicant and dependency if required, as well as satisfy health, character, custody, Australian values and functional English language requirements as applicable. Under the new points tested skilled migration visas, spouses, de facto partners and dependent children may be added after applications are lodged up until the time of visa decision.

The New Points Tested Visas

Subclass 189 (Skilled Independent)

The new visa subclass 189 replaces the 175 and 885 visas. It is designed for people seeking an independent (that is non-sponsored or nominated), permanent skilled visa. Applicants will need to be invited to apply, be under 50, have a suitable skills assessment in a nominated occupation on the SOL, competent English and pass the points test.

Subclass 190 (Skilled Nominated)

The new visa subclass 190 replaces the 176 and 886 visas. It is designed for people who have received state or territory government nomination and are seeking a permanent skilled visa. Subclass 489 (see below) is now the only route to a permanent visa for a family sponsored skilled migrant.

State or territory government nomination will either involve the intending migrant seeking nomination from the relevant government before submitting their EOI or submitting an EOI and indicating their interest in being sponsored by a particular jurisdiction(s). State and territory governments are directly able to nominate the person through the SkillSelect register. As with the subclass 189 visa, applicants need to be invited to apply, be under 50, have a suitable skills assessment in a nominated occupation on the SOL, competent English and pass the points test.

Subclass 489 (Skilled Regional)

The new visa subclass 489 replaces the subclasses 475 and 487 visas. It is designed for intending migrants who are interested in either state or territory government nomination or family sponsorship. The subclass 489 visa is a four-year provisional visa that requires the visa holder to live and work in a specified regional area in Australia. Those that do so for a sufficient period have the opportunity to meet the requirements for a permanent subclass 887 visa. Visa holders who are government nominated must live in regional Australia or a low population growth metropolitan area.

See: www.immi.gov.au/skilled/general-skilled-migration/regional-growth.htm

Visa holders who are being sponsored by a relative must live in a designated area.

See: www.immi.gov.au/skilled/general-skilled-migration/designated-areas.htm

State or territory government nomination will be the same as for the subclass 190 visa. Alternatively, family sponsorship can be used where the applicant, their spouse or de facto partner (if they are also seeking a subclass 489 visa) is sponsored by an eligible relative. The sponsor must be over 18 years of age, an Australian citizen, permanent resident or eligible New Zealand citizen and must be residing in a designated area. They will also need to complete a sponsorship undertaking to provide settlement related assistance to the visa holder. As with the subclasses 189 and 190 visas, applicants need to be invited to apply, be under 50, have a suitable skills assessment in a nominated occupation on the SOL, competent English and pass the points test.