

AMBER MIGRATION NEWSLETTER

September 2019

In this special Newsletter, we remind our valued clients of upcoming changes to regional migration set for November 2019.

New regional Visa Categories

In the lead up to the 2019-2020 budget, a range of new visa subclasses were announced to attract more visa applicants to regional Australia. The main features of these visas are re-capped below:

(1) Subclass 494 Skilled Employer Sponsored (Provisional)

- Available from 16 November 2019;
- Will cover all areas of Australia except: Sydney; Melbourne; Brisbane & Gold Coast; and Perth;
- Approximately 700 occupations are eligible to apply (which is around 250 more than the standard 482 TSS occupation lists);
- Can be accessed via an existing Business Sponsorship or Labour Agreement;
- Applicants must be aged under 45 years;
- Skills assessment and at least 3 years full-time work experience required;
- Competent English required;
- Mandatory Labour Market Testing with no exemptions;
- Existing market salary requirements applicable, to be certified by Regional Certification Body;
- Skilling Australians Fund levy applies;
- Eligible for Medicare; and
- 9,000 places allocated for the first financial year.

(2) Subclass 491 Skilled Work Regional (Provisional)

- Available from 16 November 2019;
- Will cover all areas of Australia except: Sydney; Melbourne; Brisbane & Gold Coast and Perth;
- Approximately 500 eligible occupations;
- Eligible for either state or family sponsorship;
- Points tested visa scheme – passmark of 65 via Expression of Interest ('EOI');
- Skills assessment required;
- Competent English required;
- All visa holders required to live and work/study in regional area; and
- 14,000 places allocated for the first financial year.

Both 494 and 491 visas are temporary residence visas valid for 5 years and subject to the following conditions:

- 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; and
- 8581: if requested to do so, attend an interview.

The Subclass 494 visa will also be subject to Condition 8608 which restricts the employment which may be engaged in by the 494 visa holder.

(3) Subclass 191 Permanent Residence (Skilled Regional) Visa

- Available from 16 November 2022;
- Eligible after 3 years living and working in a regional area while holding either a 494 or 491 visa; and
- Primary applicant must have earned a minimum taxable income (yet to be determined) for 3 years as the holder of a regional provisional visa.

Application restrictions

Those who hold, or last held, either a Subclass 491 or Subclass 494 visa, are **restricted from applying** for the following visas prior to completing the three years in a designated regional area, unless exceptional circumstances exist:

- Subclass 124/858 - Distinguished Talent
- Subclass 132 - Business Talent
- Subclass 186 - Employer Nomination Scheme
- Subclass 188 - Business Innovation and Investment
- Subclass 189 - Skilled - Independent
- Subclass 190 - Skilled - Nominated
- Subclass 820 - Partner (Temporary).

The relevant exceptional circumstances are yet to be determined.

Repealed visas

As a result of the above changes, the Regional Sponsor Migration Scheme (Subclass 187) and Skilled Regional (Provisional) (Subclass 489) visas will be closed to new applications from **1 November 2019**. Subclass 187 and 489 visa applications fully lodged before 1 November 2019 will continue to be processed per the regulations in place at the time of lodgement.

The Amber Migration team will continue to provide updates as further information is released.

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Important: Clients should not act solely on the basis of the material contained in this Newsletter. Items herein are general comments only and do not constitute or convey advice per se. Also changes in legislation may occur quickly. We therefore recommend that our formal advice be sought before acting in any of the areas. This Newsletter is issued as a helpful guide to clients and for their private information. Therefore, it should be regarded as confidential and not be made available to any person without our prior approval.

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