



Skilled Migration Programme— Changes effective 1 July 2017 Fact sheet

Purpose

The purpose of this fact sheet is to advise Registered Migration Agents about the scope and implementation of the Skilled Migration Programme.

This includes changes already announced by the Government, as well as some additional changes that will be implemented concurrently, including changes to strengthen the integrity of the Permanent Employer Sponsored Entry programme (Employer Nomination Scheme – ENS and Regional Sponsored Migration Scheme – RSMS).

These changes form part of a series of reforms that the Government announced on 18 April 2017 in relation to the temporary and permanent skilled migration programmes. Implementation of these reforms commenced on 19 April 2017 and will be completed by March 2018. Information about these changes continues to be made available on the Department's [website](#).

ENS and RSMS

What is changing on 1 July 2017?

Occupation lists

Eligible occupations for the ENS Direct Entry (DE) stream will be those listed in the Short-term Skilled Occupations List (STSOL) and the Medium and Long-term Strategic Skills List (MLTSSL). Relevant caveats as specified in these occupation lists will also apply to ENS. For the specific wording of each caveat and associated guidance notes see the Department's [website](#).

Eligible ENS Temporary Residence Transition (TRT) stream occupations will be those that were approved for the Temporary Work (Skilled) UC-457 visa.

RSMS will remain unaffected by changes to the occupation lists. Eligible occupations will be ANZSCO skill level 1, 2 and 3 occupations (legislative Instrument IMMI 17/058).

Age

From 1 July 2017, visa applicants for the ENS and RSMS Direct Entry (DE) stream under Regulations 186.231(a) and 187.231(a) must be younger than 45 years of age. This applies to visa applications lodged on or after 1 July 2017. The current age exemptions will still be available (legislative Instrument IMMI 17/058).

The age requirement for TRT stream visa applicants under Regulations 186.221(a) and 187.221(a) will remain at less than 50 years of age until 1 March 2018 when the less than 45 year age limit will become effective.

This is an amendment to the relevant Migration Regulations and applies to visa applications lodged on or after 1 July 2017. There are no transitional arrangements.

English language requirements

Visa applications for ENS and RSMS made under the TRT stream lodged on or after 1 July 2017 will require, at a minimum, an International English Language Testing System (IELTS) (or equivalent test) score of 6 in each component (Competent English) (Regulations 186.222(a) and 187.222(a)). For more information see [English language requirements](#). There are no transitional arrangements.

English language requirement - exemptions

The English language exemption for both ENS and RSMS visa applicants has been removed for those who have nominated earnings at least equivalent to the current Australian Taxation Office top individual income tax rate (AUD 180,001) (Regulations 186.222(b) and 187.222(b)). This will apply to all visa applications including those lodged before 1 July 2017 that have not been finally determined. There are no further transitional arrangements.

Skills

The exemption from a skills assessment for visa applicants under the DE stream of both ENS and RSMS has been removed for those who have nominated earnings at least equivalent to the current Australian Taxation Office top individual income tax rate (AUD 180,001) (Regulations 186.234(3) and 187.234(a)). This will apply to all visa applications including those lodged before 1 July 2017 that have not been finally determined. There are no further transitional arrangements.

The structure of the RSMS DE stream skill requirement under Regulation 187.234(c) has been revised for greater clarity.

Nomination

Regulations 186.233(1)(aa) and 187.233(1)(aa) have been introduced to prevent a second nomination for the same position being linked to an undecided visa application that was lodged in association with the first (withdrawn or refused) nomination.

Genuine need

Regulation 5.19(3) has been updated to require that ENS and RSMS TRT stream nominations provide evidence of 'genuine need' for the person to work in the nominated position (5.19(3)(h)(i)).

Regulation 5.19(4) has been updated to require that ENS Direct Entry stream nominations provide evidence of 'genuine need' for the person to work in the nominated position (5.19(4)(h)(i)(AA)). This will bring ENS in line with RSMS where the provision already exists under Regulation 5.19(4)(h)(ii)(B). Departmental case officers may request additional information where they are not satisfied that the need is genuine.

These are amendments to the relevant Migration Regulations and apply to employer nominations lodged on or after 1 July 2017. There are no transitional arrangements. Departmental Procedural Instructions have been updated to provide guidance on this requirement.

Nominee to be identified

Regulation 5.19(4) has been updated to require that ENS and RSMS Direct Entry stream nominations include the identity of the nominee (Regulations 5.19(4)(a)(ii) and 5.19(4)(h)(ii)(B)).

These are amendments to the Migration Regulations and apply to employer nominations lodged on or after 1 July 2017.

Training requirements

Policy settings for training benchmark requirements have been clarified and tightened, by setting out (1) the types of training funds eligible for training benchmark A; and (2) the types of expenditure on training that are acceptable for training benchmark B. See for the Direct Entry stream legislative instrument IMMI 17/074. See for the TRT stream legislative Instrument IMMI 17/045.

General Skilled Migration

Changes to points-tested skilled visas

From 1 July 2017 applicants for points-tested skilled visas (excluding the New Zealand [pathway](#)) must be below the age of 45 years at time of application. Information on the changes is available at each of the relevant points-tested visa web page and also within [SkillSelect](#):

- [Skilled Independent visa \(subclass 189\)](#)
- [Skilled Nominated visa \(subclass 190\)](#)
- [Skilled Regional \(Provisional\) visa \(subclass 489\)](#)

New Zealand Pathway

An additional pathway to permanent residence for New Zealand [Special Category visa \(SCV\)](#) holders has been introduced. This pathway is included in the [Skilled Independent \(subclass 189\) visa](#) as a new stream. Applications for the New Zealand stream must be made online. For more information see: [An additional pathway to permanent residence for New Zealand citizens](#).

The New Zealand pathway has been introduced in acknowledgement of the special bilateral relationship between Australia and New Zealand and will provide New Zealand citizens who are yet to, or are unable to, apply for permanent residence or Australian citizenship, with an additional visa option.