



# Skilled Visa eNews – March 2019

## Occupation updates

On 11 March 2019, the skilled occupation lists were updated. The changes include standardising the Medium and Long-term Strategic Skills List (MLTSSL) by making thirty occupations available to all visa subclasses. These occupations were previously accessible to Temporary Skill Shortage (TSS), Employer Nomination Scheme (ENS) and Training visas.

Regional employers also benefit with the addition of 18 occupations to the Regional Occupation List. This recognises the particular challenges that regional areas face in recruiting skilled workers. The occupations range from farming-related occupations such as Beef Cattle Farmer and Sheep Farmer, to Anaesthetist and Dentist.

Updates to skilled occupation lists are available on the [Federal Register of Legislation](#). An updated [combined current list of eligible skilled occupations](#) and a [summary of the changes](#) are also available on the Department's website.

The number of eligible occupations per visa subclass is as follows:

Subclasses	Number of eligible occupations
<b>ENS visa (subclass 186)</b>	216 skilled occupations
<b>Regional Sponsored Migration Scheme (RSMS) visa (subclass 187)</b>	673 skilled occupations
<b>Skilled Independent, Skilled Regional (Provisional) Family nominated and Temporary Graduate visas (subclasses 189, 489 and 485)</b>	212 skilled occupations
<b>Skilled Regional (Provisional) State or Territory nominated visa (subclass 489)</b>	504 skilled occupations

Subclasses	Number of eligible occupations
<b>Skilled Nominated visa (subclass 190)</b>	427 skilled occupations
<b>TSS visa (subclass 482)</b>	508 skilled occupations
<b>Training visa (subclass 407)</b>	509 skilled occupations

## Employer sponsored visas update

### Visas for General Practitioners (GPs) Initiative

The Visas for GPs initiative will manage growth in Australia's medical workforce by regulating the number of doctors entering Australia through the skilled migration program to work in the primary healthcare sector.

From 11 March 2019, a Health Workforce Certificate (HWC) will be required for an employer to nominate a position in the following occupations for filling by a doctor who would require a visa to work in Australia:

- General Practitioner (ANZSCO 253111),
- Medical Practitioners not elsewhere classified (nec) (ANZSCO 253999), and
- Resident Medical Officer (ANZSCO 253112).

An HWC will be required for employer nominations for positions in these occupations for the following visas:

- ENS visa (subclass 186),
- RSMS visa (subclass 187), and
- TSS visa (subclass 482).

Under this initiative, the number of doctors entering the primary healthcare workforce through the skilled migration program will be reduced by about 200 doctors a year, over a period of four years.

This initiative will direct doctors into areas that have lower access to services such as rural, remote and regional areas of Australia.

Further information regarding the Visas for GPs initiative, HWC and RWA is on the Department of Health's [DoctorConnect website](#).

As a Registered Migration Agent, you are aware of the importance of lodging a complete application and including all relevant supporting documentation. Nomination applications for doctors that do not contain the HWC will be subject to processing delays. Please refer to the attached factsheet regarding how to submit a nomination application with a HWC.

## Skilling Australians Fund (SAF) Levy

Since the introduction of the SAF levy in August 2018, the Department has received a number of requests for a SAF refund that do not meet the refund criteria.

Refunds of the levy are **ONLY** available if you meet one of the following scenarios:

- The sponsorship and visa applications are approved, but the overseas skilled worker (visa holder) does not arrive/commence employment with the employer.
- The employer's sponsorship and nomination application for the overseas skilled worker is approved, but the associated visa application is refused on health or character grounds.
- A TSS visa holder leaves the sponsoring employer within the first 12 months of employment where the visa period was for more than 12 months. Refunds will only be available in this scenario for unused full years of the SAF levy. NOTE: This does not apply to ENS or RSMS holders who leave their employer within the first 12 months of employment.
- The nomination fee is refunded (e.g. where a concurrent sponsor application is refused).

A failure to submit required documentation at time of lodgement, such as evidence of labour market testing, leading to refusal of a nomination, is not a ground for a refund.

If you meet any of these scenarios you may be eligible to request a refund. To request a refund please complete a form 1424 (including bank details) and email it to [TSS@homeaffairs.gov.au](mailto:TSS@homeaffairs.gov.au). This will ensure that all requests are considered in a timely manner. **Please do not send by post as this will delay processing.**

## Accredited Sponsor Scheme

The Accredited Sponsor Scheme is a trusted employer framework that provides streamlined processing arrangements for applications that meet standard regulatory requirements. Accredited sponsors receive priority processing for TSS nominations and visa applications with most applications processed in less than five days. TSS Accredited Sponsors will also be afforded priority processing for ENS and RSMS nomination and visas applications.

The Minister for Immigration, Citizenship and Multicultural Affairs has recently agreed to a new category under the Accredited Sponsor Scheme - see Category 5 below:

You can apply to become an Accredited Sponsor if you meet the requirements in one of the following categories:

- **Category 1: Commonwealth, state and territory government agencies**
  - with Australian workers making up at least 75% of your workforce in Australia.
- **Category 2: Australian Trusted Trader**
  - with Australian workers making up at least 75% of your workforce in Australia
  - have a written contract of employment for all TSS/457 visa holders that meets the National Employment Standards (unless their occupation is exempt from this requirement)
  - have paid all Australian employees in accordance with an Enterprise Agreement or an internal salary table that reflects the current market salary rates for all occupations in your business.
- **Category 3: Low volume usage and high percentage of Australian workers (at least 85%)**
  - with Australian workers making up at least 85% of your workforce in Australia
  - have at least one approved nomination for a TSS or subclass 457 visa holder in the last year
  - have had more than 97% of your nomination applications approved in the last year
  - not a sole trader or a partnership

- have an annual turnover of at least AUD 4M for the last two years
  - have been a standard business sponsor for at least one year
  - have complied with all your sponsor obligations
  - have a written contract of employment for all TSS/457 visa holders that meets the National Employment Standards (unless their occupation is exempt from this requirement)
  - have paid all Australian employees in accordance with an Enterprise Agreement or an internal salary table that reflects the current market salary rates for all occupations in your business.
- have been a standard business sponsor for at least one year
  - have nominations approved for at least one primary TSS/457 visa holder in the last year
  - have had more than 97% of your nomination applications approved in the last year
  - have no adverse monitoring outcomes
  - have paid all Australian employees in accordance with an Enterprise Agreement or an internal salary table that reflects the current market salary rates
  - engage all TSS/457 visa holders as employees under a written contract that meets National Employment Standards where they apply.
- **Category 4: High volume usage and medium percentage of Australian workers (at least 75%)**
    - with Australian workers making up at least 75% of your workforce in Australia
    - have at least ten approved nominations for a TSS/457 visa holder in the last two years
    - have had more than 97% of your nomination applications approved in the last two years
    - not a sole trader or a partnership
    - have an annual turnover of at least AUD 4m for the last two years
    - have been a standard business sponsor for at least two years
    - have complied with all your sponsor obligations
    - have a written contract of employment for all TSS/457 visa holders that meets the National Employment Standards (unless their occupation is exempt from this requirement)
    - have paid all Australian employees in accordance with an Enterprise Agreement or an internal salary table that reflects the current market salary rates for all occupations in your business.
  - **Category 5: Major Investment in Australia**
    - have made a major investment in Australia (of at least AUD50M) which has directly generated Australian employment\*
    - not a sole trader or a partnership

If you meet the criteria in one of these categories and want to become an Accredited Sponsor:

1. log in to [ImmiAccount](#)
2. complete the Sponsorship renewal for a TSS visa (subclass 482)
3. attach the required documents
4. pay the sponsorship fee, and
5. lodge your application.

## Global Talent Scheme

The Global Talent Scheme (GTS) commenced on 1 July 2018 and is a niche pilot scheme under the TSS visa program. The GTS allows employers who are Accredited Sponsors, to sponsor overseas workers to fill highly-skilled positions that cannot be filled:

- by Australian workers, or
- through other standard visa programs.

The Department can enter into a GTS agreement with businesses that meet the criteria and need to fill a small number of high-skill, niche roles that can't be filled by Australians or through existing visa programs. These businesses can then sponsor workers for a TSS visa under the GTS. Compared to standard labour agreements, the GTS allows faster processing and more flexible concessions.

The main features of the GTS are:

- there are two streams – Established business and Startups

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\* Options for measuring a major investment may include:

- a lasting contribution to Australia, including: the value of the investment, the company's pattern of investment, jobs created, export outcomes generated, tax contribution; or
- innovative business practices or technologies, including: introducing new skills and capabilities, setting up research activities in Australia or collaborating with Australian research institutions, commercial partnerships (MoUs or JVs); or
- supporting exports and the expansion of Australian industry within global supply chains, particularly in high value-add areas.

- the earning threshold for applicants is higher than under the standard TSS stream (currently set at \$145,400)
- you can negotiate variations on the standard TSS visa requirements
- we prioritise processing of GTS agreements
- trusted employers can access highly-skilled roles - you are not restricted to occupation lists for the TSS visa short-term or medium-term streams
- the visa is valid for up to 4 years and allows access to a permanent residence pathway
- you can negotiate age requirements for the permanent residence pathway.

You can lodge an online GTS labour agreement request via the Department's online lodgement channel, [ImmiAccount](#), attaching all relevant documents to your application. Further information is available at: [Global Talent Scheme](#).

## Labour agreement update

### Labour agreements for aged care providers - supporting multicultural communities across Australia

In delivering vital aged care services to the Australian community, a number of businesses in the sector provide support for communities of older Australians from multicultural backgrounds - many of whom require specialised services due to their limited English language proficiency and/or specific cultural needs.

Australian aged care providers can request a company specific labour agreement to sponsor skilled overseas workers for a TSS visa, or an ENS visa.

The Minister has recently agreed to changes that allow aged care providers that support multicultural communities to seek the following terms and/or concessions to be included in their labour agreement:

- a permanent residency pathway to an ENS visa, conditional on nominees having been employed for at least three years on a TSS visa,
- an age concession allowing ENS visa nominees to be up to 55 years old, and/or
- a lower English language proficiency requirement equivalent to the short-term stream of the TSS visa with International English Language Testing System (IELTS) component scores of at least 4.5 and an overall IELTS score of at least 5.0.

Labour agreements can only be considered, however, where it is demonstrated that Australians cannot fill skill shortages and standard work visa programs cannot be utilised. A company specific labour agreement must be requested via an on-line form in [IMMI Account](#).

### Changes to Minister of Religion Labour Agreements

The Minister has agreed to changes to the Minister of Religion Labour Agreement (MORLA) settings. The changes will help religious institutions access the skills they need.

What are the changes to the MORLA?

- Religious institutions can now seek a MORLA to sponsor overseas workers under the additional occupation of 'Religious Assistant'.
- Thresholds for sponsoring the occupation of 'Minister of Religion' have been made more flexible. Previously, the nominee was required to work in the most senior position in a specified location. Under new arrangements, the nominee can work in any senior position.

The new arrangements will not change existing requirements related to age, English language nor salary concessions. Nominated workers continue to be eligible for permanent residency, subject to a three-year transitional period. While these measures will support Australia's religious institutions to fill critical skill shortages with skilled overseas workers, sponsors will need to demonstrate they meet all requirements and have made reasonable efforts to fill positions with an Australian.

A MORLA can be requested online via [ImmiAccount](#). Note: Until systems changes can be made, the online labour agreement request form will only allow an applicant to submit a request for the occupation, Minister of Religion (ANZSCO 272211). Therefore, religious organisations seeking to sponsor an overseas worker under the occupation of Religious Assistant must utilise the existing on-line request form available [ImmiAccount](#) and take additional steps when completing the request form. An attached information sheet is provided for reference.

## Processing matters

### Lodging complete applications

Agents are reminded that applications should be complete at lodgement and all supporting documents uploaded directly to [ImmiAccount](#), (excluding paper applications). This enables the Department to finalise applications more quickly. Incomplete applications may be delayed or refused, due to missing documents.

It is important to note that there will not always be an opportunity to provide further supporting documents, and applications that are not complete at lodgement may be assessed as not meeting legislative requirements. Please ensure all documentation is provided at the time of lodgement and refer to the relevant visa application checklists to confirm you are submitting a complete application.

If your application has been refused because you omitted to include a document when you lodged it, the decision cannot be set aside.

Please do not send emails advising when documents have been uploaded. The Department does not respond to requests for status updates.

For technical queries relating to an online application or [ImmiAccount](#) use the [ImmiAccount technical support form](#).

## Processing timeframes

Processing times are impacted each month by changes in application volumes, seasonal peaks, complexity, and incomplete applications. Estimates

of processing times are provided as a guide only. Individual processing times may vary from the published estimates. See the estimated processing times at [Global visa and citizenship processing time](#).

## Processing priorities

The Department has put in place procedural arrangements to support government efforts to address local workforce shortages in regional areas.

Processing priority is given to applications sponsored by regional employers or applications from migrants who have expressed an interest in living in regional Australia.

## Other information

We are continuing to work with the Department's web team to have previous editions of the Skilled Visa newsletters published on the new website. In the meantime, agents can use the following link to the previous page:

<https://archive.homeaffairs.gov.au/trav/work/newsletters>

For SAF levy information:

<https://archive.homeaffairs.gov.au/trav/work/empl/skilling-australia-fund>

To ensure adequate health insurance is held by applicants, that covers the purpose of stay, information is available on our website:

<https://immi.homeaffairs.gov.au/help-support/meeting-our-requirements/health/adequate-health-insurance>

Please encourage clients to use the online visa Entitlement Verification Online (VEVO), as this will allow visa holders and employers to check or confirm visa details:

<https://immi.homeaffairs.gov.au/visas/already-have-a-visa/check-visa-details-and-conditions>

As advised, if you are experiencing lodgement issues, please complete the *ImmiAccount Technical Support Form*:

<https://immi.homeaffairs.gov.au/help-support/departmental-forms/online-forms/immiaccount-technical-support-form>