

EXPLANATORY STATEMENT

Select Legislative Instrument 2007 No. 257

Issued by the Minister for Immigration and Citizenship

Migration Act 1958

Migration Amendment Regulations 2007 (No. 7)

Subsection 504(1) of the *Migration Act 1958* (the Act) provides, in part, that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters which by the Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to the Act.

In addition, regulations may be made pursuant to the provisions listed in Attachment A.

The purpose of the Regulations is to amend the *Migration Regulations 1994* ('the Principal Regulations') to implement key recommendations of the Evaluation of the General Skilled Migration (GSM) Categories, conducted by three independent academics in March 2006, and to improve the efficiency and effectiveness of the GSM programme by restructuring the relevant classes and subclasses of visas.

In particular, the Regulations amend the Principal Regulations to:

- increase the level of English language requirements to be satisfied by applicants for GSM visas;
- allocate additional points to applicants with strong English language skills under the GSM points test;
- place greater emphasis on skilled work experience in the requirements for grant of GSM visas;
- clarify the requirements to be met by students who must have studied in Australia for two years before being eligible for grant of a GSM visa;
- introduce a new temporary visa for graduates from recognised overseas universities with skills in demand in Australia, to allow them to work and study in Australia and apply for a permanent GSM or employer-sponsored visa at any time;
- introduce a new temporary visa for graduates who have recently completed studies in Australia, to provide them with additional time to gain skilled work experience in Australia or improve their English skills to allow them to apply for a permanent GSM or employer-sponsored visa at any time;
- restructure the visas in the GSM programme by collapsing the current visa structure of 11 classes and 14 subclasses into one with four classes and nine subclasses;
- close the existing classes to future applicants from 1 September 2007;
- fold the current New Zealand citizen specific visa class into the wider General Skilled Migration program;

- create clear pathways for holders of temporary GSM visas to permanent GSM and employer-nominated visas, and to the temporary Subclass 457 (Business (long stay) visa);
- provide for electronic lodgement for GSM visa applications made on or after 1 September 2007;
- remove from the criteria for all GSM visas the discretion to require an Assurance of Support to be provided to Centrelink, as the very low number of cases where Assurances of Support are appropriate for these visas and the administrative expense of requiring them outweighs their effectiveness; and
- make a number of amendments that are consequential to the restructuring of the General Skilled Migration visas.

Details of the Regulations are set out in Attachment B.

The Act specifies no conditions that need to be met before the power to make the proposed Regulations may be exercised.

The Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

Schedule 1 to the Regulations commences on 1 September 2007, and Schedule 2 commences on 1 January 2008.

The Office of Best Practice Regulation in the Productivity Commission has been consulted and advises that the Regulations are not likely to have a direct effect, or substantial indirect effect, on business are not likely to restrict competition.

The amendments made by Schedule 1 to these Regulations were made in consultation with State and Territory governments, Australian Vice-Chancellors' Committee, Australian Council for Private Education and Training, Australian Chamber of Commerce and Industry, Housing Industry Association, Business Council of Australia, Chamber of Minerals and Energy and other peak industry bodies.

The amendments made by Schedule 2 to these Regulations were made in consultation with Department of Human Services and the Department of Families, Community Services and Indigenous Affairs.

ATTACHMENT A

Subsection 504(1) of the *Migration Act 1958* (the Act) provides, in part, that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters which by the Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the Act. Subsection 5(1) of the Act provides, amongst other things, that “prescribed” means prescribed by the regulations.

In addition to subsection 504(1), the following provisions may apply:

- subsection 31(1) of the Act, which provides that the regulations prescribe classes of visas;
- subsection 31(3) of the Act provides that the regulations may prescribe criteria for a visa or visas of a specified class (which, without limiting the generality of this subsection, may be a class provided for by section 32, 36, 37 or 37A but not by section 33, 34, 35 or 38 of the Act);
- subsection 31(4) of the Act, which provides that the regulations may prescribe whether visas of a class or a class of visas are to travel to and enter Australia, or to remain in Australia or both;
- subsection 31(5) of the Act, which provides that the regulations specify that a visa is a visa of a particular class;
- subsection 40(1) of the Act, which provides that the regulations may provide that visas or visas of a specified class may only be granted in specified circumstances;
- subsection 40(2) of the Act, which provides that without limiting subsection 40(1), the circumstances may be, or may include, that, when the person is granted the visa, the person:
 - is outside Australia; or
 - is in immigration clearance; or
 - has been refused immigration clearance and has not subsequently been immigration cleared; or
 - is in the migration zone and, on last entering Australia, was immigration cleared or bypassed immigration clearance and had not subsequently been immigration cleared;
- subsection 41(1) of the Act, which provides that the regulations may provide that visas, or visas of a specified class, are subject to specified conditions;
- subsection 41(2) of the Act, which provides that, without limiting subsection 41(1), the regulations may provide that a visa, or visas of a specified class, are subject to:
 - a condition that, despite anything else in the Act, the holder of the visa will not, after entering Australia, be entitled to be granted a substantive visa (other than a protection visa or a temporary visa of a specified kind), while he or she remains in Australia; or
 - a condition imposing restrictions about the work that may be done in Australia by the holder, which, without limiting the generality of this paragraph, may be restrictions on doing: any work; work other than specified work; or work of a specified kind;
- subsection 41(3) of the Act, which provides that, in addition to any conditions specified under subsection 41(1), the Minister may specify that a visa is subject to

such conditions as are permitted by the regulations for the purposes of this subsection;

- subsection 45A of the Act, which provides that the regulations may prescribe that a non-citizen who makes an application for a visa is liable to pay a visa application charge if, assuming the charge were paid, the application would be a valid visa application;
- subsection 45B(1) of the Act, which provides that the regulations may prescribe the amount that is the amount of visa application charge, not exceeding the visa application charge limit;
- subsection 45B(2) of the Act, which provides that the amount of visa application charge prescribed in relation to an application may be nil;
- subsection 45C(1) of the Act, which provides that the regulations may provide that a visa application charge may be payable in instalments, how those instalments are to be calculated and specify when instalments are payable;
- subsection 45C(2) of the Act, which provides that the regulations may make provision for and in relation to:
 - the recovery of visa application charge in relation to visa applications; or
 - the way, including the currency, in which visa application charge is to be paid; or
 - working out how much visa application charge is to be paid; or
 - the time when visa application charge is to be paid; or
 - the persons who may be paid visa application charge on behalf of the Commonwealth;
- subsection 46(1) of the Act, which provides that the regulations may provide the circumstances where an application for a visa is valid;
- subsection 46(2) of the Act, which provides that the regulations may provide that an application for a visa is valid if:
 - it is an application for a visa of a class prescribed for the purposes of this subsection; and
 - under the regulations, the application is taken to have been validly made.
- subsection 46(3) of the Act, which provides that the regulations may prescribe criteria that must be satisfied for an application for a visa of a specified class to be a valid application;
- subsection 46(4) of the Act, which provides that the regulations may prescribe, without limiting subsection 46(3):
 - the circumstances that must exist for an application for a visa of a specified class to be a valid application; and
 - how an application for a visa of a specified class must be made; and
 - where an application for a visa of a specified class must be made; and
 - where an applicant must be when an application for a visa of a specified class is made;
- subsection 46(A)(1) of the Act, which provides that the regulations may provide that an application for a visa is not a valid application if it is made by an offshore entry person;
- section 70 of the Act, which provides that subject to the regulations, if a non-citizen is granted a visa, an officer is to give the non-citizen evidence of the visa;
- subsection 71(1) of the Act, which provides that evidence of a visa is to be given in a way prescribed for giving the evidence;

- subsection 71(2) of the Act, which provides that the regulations may provide that the way in which evidence of a visa or a visa of a class is to be given is to depend on the circumstances in which it is given;
- subsection 71(3) of the Act, which provides that evidence of a non-citizen's visa may be given by endorsing a valid passport or other valid travel document issued to the non-citizen or another non-citizen associated with him or her, the Minister may direct that a specified document is not to be taken to be a passport or travel document for the purposes of the regulation;
- subsection 73 of the Act, which provides that the regulations may provide that the Minister may grant a bridging visa permitting the non-citizen to remain in, or to travel to, enter and remain in Australia:
 - during a specified period; or
 - until a specified event happens;
- subsection 93(1) of the Act which provides that the Minister shall make an assessment of an applicant's point score by giving the applicant the prescribed number of points for each prescribed qualification that is satisfied in relation to the applicant;
- paragraph 504(1)(a) of the Act which provides that the regulations may provide for the charging and recovery of fees in respect of any matter under the Act or the regulations; and
- subsection 504(2) of the Act which provides that section 14 of the *Legislative Instruments Act 2003* does not prevent, and has not prevented, regulations whose operation depends on a country or other matter being specified or certified by the Minister in an instrument in writing made under the regulations after the taking effect of the regulations.

ATTACHMENT B

Details of the Migration Amendment Regulations 2007 (No. 7)

Regulation 1 – Name of Regulations

This regulation provides that these Regulations are the *Migration Amendment Regulations 2007 (No. 7)*.

Regulation 2 – Commencement

This regulation provides that Regulations 1 to 3 and Schedule 1 commence on 1 September 2007 and Regulation 4 and Schedule 2 commence on 1 January 2008.

Regulation 3 – Amendment of Migration Regulations 1994

Subregulation 3(1) provides for the *Migration Regulations 1994* (the Principal Regulations) to be amended as set out in Schedule 1.

Subregulation 3(2) provides that the amendments made by Schedule 1 apply to applications for a visa made on or after 1 September 2007.

Regulation 4 – Amendment of Migration Regulations 1994

Subregulation 4(1) provides for the Principal Regulations to be amended as set out in Schedule 2.

Subregulation 4(2) provides that the amendments made by Schedule 2 apply to applications for a visa made before 1 January 2008 but not finally determined as at that date, and to applications made on or after 1 January 2008.

Schedule 1 – Amendments relating to general skilled migration visas – commencing on 1 September 2007

Part 1 – General amendments of the Migration Regulations 1994

Item [1] – Regulation 1.03, before definition of ACCESS test

This item inserts a definition of the term *2 year study requirement* in regulation 1.03 (Definitions) in Part 1 of the Principal Regulations. *2 year study requirement* is defined to have the meaning given by regulation 1.15F. New regulation 1.15F is inserted in the Principal Regulations by item [14] of Schedule 1 to these Regulations. For further details, please see the notes on that item, below.

Item [2] – Regulation 1.03, after definition of competent authority

This item inserts definitions of *competent English* and *concessional competent English* in regulation 1.03 (Definitions) in Part 1 of the Principal Regulations. The terms are defined as having the meanings given by regulations 1.15C and 1.15E, respectively. New regulations 1.15C and 1.15E are inserted in the Principal Regulations by item [14] of Schedule 1 to these Regulations. For further details, please see the notes on that item, below.

Item [3] – Regulation 1.03, after definition of *eligible New Zealand citizen*

This item inserts a definition of *eligible student visa* in regulation 1.03 (Definitions) of Part 1 of the Principal Regulations.

Eligible student visa is defined to mean any student visa except certain Subclass 560 (Student), 562 (Iranian Postgraduate Student), 563 (Iranian Postgraduate Student Dependent), 572 (Vocational Education and Training Sector), 573 (Higher Education Sector) and 574 (Postgraduate Research Sector) visas; and except any Subclass 570 (Independent ELICOS Sector), 571 (Schools Sector), 575 (non-Award Sector) or 576 (AusAID or Defence Sector) visa.

Applicants who hold an *eligible student visa*, and those applicants who have recently held an *eligible student visa*, may, where other requirements are met, make a valid application for new Skilled (Residence)(Class VB) and Skilled (Provisional)(Class VC) visas under new Item 1136, inserted in Schedule 1 to the Principal Regulations by item [47] of Schedule 1 to these Regulations, and new Item 1229, inserted in Schedule 1 to the Principal Regulations by item [52] of Schedule 1 to these Regulations, respectively.

Item [4] – Regulation 1.03, after definition of *Gazette Notice*

This item inserts a definition of *General Skilled Migration visa* in regulation 1.03 (Definitions) of Part 1 of the Principal Regulations. The term is defined to mean a Subclass 175, 176, 475, 476, 485, 487, 885, 886 or 887 visa, granted at any time. The effect of this amendment is that a reference to *General Skilled Migration visas* in the Principal Regulations will extend to all or any one of the new visa subclasses inserted in the Principal Regulations by these Regulations.

Item [5] – Regulation 1.03, after definition of *prescribed form*

This item inserts a definition of *proficient English* in regulation 1.03 (definitions) in Part 1 of the Principal Regulations. *Proficient English* is defined to have the meaning given by regulation 1.15D. New regulation 1.15D is inserted in the Principal Regulations by item [14] of these Regulations. For further details, please see the notes on that item, below.

Item [6] – Regulation 1.03, definition of *skilled occupation*

This item substitutes the definition of *skilled occupation* in regulation 1.03 (Definitions) of Part 1 of the Principal Regulations with a new definition, under which *skilled occupation* is defined to mean an occupation that is specified by the Minister in an instrument in writing for the purposes of the definition as a skilled occupation for which a number of points specified in the instrument are available.

All applicants for a General Skilled Migration visa (see definition inserted in regulation 1.03 by item [4] above) are required to nominate a skilled occupation on the basis of which they will be assessed against the relevant visa criteria. The effect of this amendment is to remove references to the Sydney and Selected Areas Skilled Shortage List ('the SSASSL') from the definition of 'skilled occupation'. The

SSASSL provided a special list of ‘skilled occupations’ for certain applicants for a former Skilled Australian Sponsored (Migrant)(Class BQ) visa which is amended by these Regulations with the effect that no further applications by primary applicants can be made after 1 September 2007. The special arrangements under the SSASSL will not be continued under the new General Skilled Migration visa classes.

Item [7] – Paragraph 1.09A(2)(d)

This item amends regulation 1.09A (Interdependent relationship) of Part 1 of the Principal Regulations by omitting from paragraph 1.09A(2)(d) the words ‘or Partner (Temporary)(Class UK) visa’ and substituting the words ‘, Partner (Temporary)(Class UK) visa or a General Skilled Migration visa’.

This amendment is necessary because the new General Skilled Migration visas (as set out in the definition inserted in regulation 1.03 by item [4] of Schedule 1 to these Regulations, above), created by these Regulations, provide that interdependent partners and the dependent children of interdependent partners of a person who satisfies the primary criteria for the visa may satisfy the secondary criteria. The effect of this amendment is that regulation 1.09A now sets out the requirements to be met to be in an ‘interdependent relationship’ with another applicant, for the purposes of satisfying the secondary criteria for a new General Skilled Migration visa.

Item [8] – After subregulation 1.12(8)

This item inserts new subregulation 1.12(9) in regulation 1.12 (Member of the family unit) in Part 1 of the Principal Regulations.

New subregulation 1.12(9) provides that in addition to the current provisions in subregulation 1.12(1) a person may be a member of the family unit of an applicant seeking to satisfy the primary criteria for a Subclass 857 (Regional Sponsored Migration Scheme) visa, or a visa of new Subclasses 487 (Skilled – Regional Sponsored) or 887 (Skilled – Regional), if the person holds a specified provisional visa (or bridging visa granted on the basis of a valid application for a specified provisional visa), granted on the basis of satisfying the secondary criteria.

The effect of this amendment is to enable the persons mentioned in new subregulation 1.12(9) who met the requirements of subregulation 1.12(1), at the time of applying for a provisional visa, to continue to be considered as members of the family unit of a relevant primary applicant for a permanent visa, even though those persons may no longer meet the requirements of subregulation 1.12(1).

Item [9] – Paragraph 1.15A(2)(d)

This item amends regulation 1.15A (Spouse) of Part 1 of the Principal Regulations by omitting from paragraph 1.15A(2)(d) the words ‘or a Partner (Temporary)(Class UK) visa’ and substituting the words ‘, a Partner (Temporary)(Class UK) visa or a General Skilled Migration visa’.

The effect of this amendment is that a person applying for a new General Skilled Migration visa (as set out in the definition inserted in regulation 1.03 by item [4] of

Schedule 1 to these Regulations, above) on the basis of satisfying the secondary criteria as the de facto spouse of another applicant must have been living with that other applicant on a basis of mutual commitment in a genuine and continuing relationship for the period of 12 months immediately preceding that date of the application, as well as at the time of application.

Item [10] – Subregulation 1.15B(1)

This item omits the words ‘subregulations (2), (3) and (4)’ from subregulation 1.15B(1) in Part 1 of the Principal Regulations, and substitutes ‘subregulations (2), (3), (4) and (5)’. This amendment is consequential upon the insertion of new subregulation 1.15B(5) by item [13] of Schedule 1 to these Regulations, below.

Item [11] – Subregulation 1.15B(3)

This item amends subregulation 1.15B(3) in regulation 1.15B (Vocational English) of Part 1 of the Principal Regulations, by adding the words ‘(other than a General Skilled Migration visa)’ after the words ‘a visa’. The effect of this amendment is that the meaning of ‘vocational English’ given in subregulation 1.15B(3) does not apply for the purposes of satisfying a criterion for a General Skilled Migration visa. The meaning of ‘vocational English’ for the purposes of an application for General Skilled Migration visa is set out in new subregulation 1.15B(5), inserted in the Principal Regulations by item [13] of Schedule 1 to these Regulations, below.

Item [12] – Subregulation 1.15B(4)

This item amends subregulation 1.15B(3) in regulation 1.15B (Vocational English) of Part 1 of the Principal Regulations, by adding the words ‘(other than a General Skilled Migration visa)’ after the words ‘a visa’. The effect of this amendment is that the meaning of ‘vocational English’ given in subregulation 1.15B(3) does not apply for the purposes of satisfying a criterion for a General Skilled Migration visa. The meaning of ‘vocational English’ for the purposes of an application for General Skilled Migration visa is set out in new subregulation 1.15B(5), inserted in the Principal Regulations by item [13] of Schedule 1 to these Regulations, below.

Item [13] – After subregulation 1.15B(4)

This item inserts new subregulation 1.15B(5) in regulation 1.15B (Vocational English) of Part 1 of the Principal Regulations.

New subregulation 1.15B(5) provides that an applicant for a General Skilled Migration visa (see definition inserted by item [4] of these Regulations, above) has ‘vocational English’ if the person has achieved a test score of at least 5 for each of the four test components of speaking, reading, writing and listening on an International English Language Testing System (IELTS) test conducted within the two years before the date of the application; or has achieved a test score specified by the Minister in an instrument in writing under a language test that is also specified within the two years before the date of the application.

‘Vocational English’ is the generally acceptable level of English for applicants for any General Skilled Migration visa who have nominated a trade occupation as their nominated skilled occupation. This is a lower level of English than that required for applicants in professional and associate professional occupations as a lower level is acceptable to perform in a trade occupation.

The effect of this amendment is that applicants for a new General Skilled Migration visa may establish that they have vocational English, if required to do so to satisfy a criterion for grant of the relevant visa, on the basis of a test taken within the previous two years (rather than the previous 12 months for applicants required to have vocational English under other current regulations), or by achieving a score specified by the Minister in an instrument in writing under a language test that is also specified by the Minister. The introduction of the power for the Minister to specify, as an alternative to an IELTS test, a score to be achieved on additional specified test allows flexibility to quickly respond to changing language requirements for General Skilled Migration visa applicants.

The amendments made by items [12] and [13] above, also have the effect of removing a discretion for the Minister to accept in certain circumstances that an applicant has ‘vocational English’ without the applicant having to produce language test results. It is not the intention that this discretion is to be available in respect of applicants for new General Skilled Migration visas.

Item [14] – After regulation 1.15B

This item inserts four new regulations in Division 1.2 of Part 1 of the Principal Regulations. These are new regulation 1.15C (Competent English); new regulation 1.15D (Proficient English); new regulation 1.15E (Concessional competent English); and new regulation 1.15F (2 year study requirement). Details of the new regulations follow.

Regulation 1.15C – Competent English

New regulation 1.15C provides that an applicant for a General Skilled Migration visa (see definition inserted by item [4] of these Regulations, above) has ‘competent English’ if the person has achieved a test score of at least 6 for each of the four test components of speaking, reading, writing and listening on an International English Language Testing System (IELTS) test conducted within the two years before the date of the application; or has achieved a test score specified by the Minister in an instrument in writing under a language test that is also specified within the two years before the date of the application; or holds a passport of a type specified by the Minister in an instrument in writing.

An IELTS test score of 6 (that is, ‘competent English’) is a higher level of English than ‘vocational English’ (see new subregulation 1.15B(5), inserted in the Principal Regulations by item [13] by Schedule 1 to these Regulations, above), and is generally required to be met by applicants for a General Skilled Migration visa who have nominated professional and associate professional occupations as their nominated skilled occupations.

The introduction of the power for the Minister to specify, as an alternative to an IELTS test, a score to be achieved on additional specified tests allows flexibility to quickly respond to changing language requirements for General Skilled Migration visa applicants. The introduction of a power for the Minister to specify in an instrument types of passports whose holders are taken to have ‘competent English’ will also allow flexibility in responding to changing language requirements and the demographic characteristics of visa applicants. The types of passports that would be specified would be those held by nationals of predominantly English-speaking countries such as the United Kingdom, New Zealand and the United States of America.

Regulation 1.15D – Proficient English

New regulation 1.15D provides that an applicant for a General Skilled Migration visa (see definition inserted by item [4] of these Regulations, above) has ‘proficient English’ if the person has achieved a test score of at least 7 for each of the four test components of speaking, reading, writing and listening on an International English Language Testing System (IELTS) test conducted within the two years before the date of the application; or has achieved a test score specified by the Minister in an instrument in writing under a language test that is also specified within the two years before the date of the application.

An IELTS test score of 7 (that is, ‘proficient English’) is the highest level of English applicable to the new General Skilled Migration visas. The criteria do not directly require any applicants to attain this level of English, but applicants having ‘proficient English’ are rewarded for having very strong English language skills by being eligible for extra points under the points test. (See Part 6B.3 (English language qualifications) of new Schedule 6B to the Principal Regulations, inserted by Part 4 of Schedule 1 to these Regulations, below.)

The introduction of the power for the Minister to specify, as an alternative to an IELTS test, a score to be achieved on additional specified tests allows flexibility to quickly respond to changing language requirements for General Skilled Migration visa applicants.

Regulation 1.15E – Concessional competent English

New regulation 1.15E provides that an applicant for a General Skilled Migration visa (see definition inserted by item [4] of these Regulations, above) has ‘concessional competent English’ if the person has achieved an average score of at least 5.5 across the four test components of speaking, reading, writing and listening on an International English Language Testing System (IELTS) test conducted within the two years before the date of the application; or has achieved a test score specified by the Minister in an instrument in writing under a language test that is also specified within the two years before the date of the application.

An IELTS test score of 5.5 (that is, ‘concessional competent English’) is a lower level of English than ‘vocational English’ (see new subregulation 1.15B(5), inserted in the Principal Regulations by item [13] by Schedule 1 to these Regulations, above), as it requires the applicant to achieve an average score of 5.5, rather than a minimum of 5

on each of the four IELTS test components. ‘Concessional English’ is available only for certain applicants for a provisional regional visa who have made arrangements to attend English language training in Australia.

The introduction of the power for the Minister to specify, as an alternative to an IELTS test, a score to be achieved on additional specified tests allows flexibility to quickly respond to changing language requirements for General Skilled Migration visa applicants.

Regulation 1.15F – 2 year study requirement

New regulation 1.15F sets out the requirements to be met by a person in order to be taken to have satisfied the ‘2 year study requirement’. The person must satisfy the Minister that he or she has completed one or more degrees, diplomas or trade qualifications (within the meanings given in subregulation 2.26A(6) of the Principal Regulations) for award by an Australian educational institution as a result of a course or courses that were ‘registered courses’ (as defined in regulation 1.03 of the Principal Regulations), were completed in no less than 16 calendar months as a result of a total of at least 2 academic years of study in which all instruction was conducted in English, in Australia, and undertaken by the person as the holder of a visa that authorised the person to study in Australia.

The 2 year study requirement is required to be satisfied by applicants applying on the basis of qualifications obtained in Australia for a new General Skilled Migration visa (see definition inserted by item [4] of Schedule 1 to these Regulations, above), introduced by these Regulations. The purpose of the 2 year study requirement is to ensure that applicants applying on the basis of qualifications obtained in Australia, have the dual benefit of having a strong skills base, after completing a substantial amount of study in Australia and having lived in the Australian community for a substantial period of time before applying for a General Skilled Migration visa.

Item [15] – After subregulation 2.05(5)

This item inserts new subregulation 2.05(5A) in regulation 2.05 (Conditions applicable to visas) in Part 2 of the Principal Regulations.

New subregulation 2.05(5A) prescribes further circumstances under which condition 8534 may be waived, where a visa is subject to that condition. Condition 8534 provides that while the visa holder remains in Australia he or she will not be entitled to be granted a further substantive visa other than a protection visa or specified student visas. This condition is applied to certain student visas.

Subsection 41(2A) of the *Migration Act 1958* provides that the Minister may waive a condition of this kind in prescribed circumstances. For the purposes of subsection 41(2A), new subregulation 2.05(5A) prescribes the circumstances that the visa holder has completed the course for which the visa was granted and has a genuine intention to apply for a General Skilled Migration visa. This amendment facilitates applications for General Skilled Migration visas by the students concerned, where the prescribed circumstances are met and the Minister considers it appropriate to waive the condition.

Item [16] – Regulation 2.07AG

This item substitutes regulation 2.07AG (including the heading) in Part 2 of the Principal Regulations with new regulation 2.07AG.

The purpose of new regulation 2.07AG (Applications for certain substantive visas by persons for whom condition 8534 has been waived under subregulation 2.05(5) or (5A)) is to impose limitations on the visas for which a person may make a valid application if the person holds, or held, a visa which was subject to condition 8534 (which prevents most applications for a further substantive visa other than a protection visa) and that condition has been waived by the Minister under existing subregulation 2.05(5) or new subregulation 2.05(5A), inserted in the Principal Regulations by item [15] of Schedule 1 to these Regulations, above.

New regulation 2.07AG provides that these persons may make a valid application only for a visa of Class VB or VC. The effect of new regulation 2.07AG is to replace references in the previous regulation 2.07AG to former General Skilled Migration visa classes for which further applications are closed by amendments made by these Regulations, with references to the corresponding new General Skilled Migration visa classes introduced by these Regulations.

Item [17] – Regulation 2.08A, heading

This item substitutes a new heading to regulation 2.08A in Part 2 of the Principal Regulations – ‘Addition of certain applicants to certain applications for permanent visas’.

The purpose of this amendment is to reflect that the operation of regulation 2.08A extends to interdependent partners and dependent children of interdependent partners, following the amendments made by item [18] of Schedule 1 to these Regulations, below, to insert references to interdependent partners and the dependent children of interdependent partners in regulation 2.08A.

Item [18] – Paragraphs 2.08A(1)(b) and (c)

This item substitutes new paragraphs 2.08A(1)(b) and (c) in regulation 2.08A (Addition of certain applicants to certain applications for permanent visas) in Part 2 of the Principal Regulations.

New paragraph 2.08A(1)(b) provides that after an application for a permanent visa is made, but before it is decided, the applicant may make a request to the Minister to have the applicant’s spouse, dependent child, interdependent partner or dependent child of an interdependent partner added to the application.

New paragraph 2.08A(1)(c) provides that a request made under new paragraph 2.08A(1)(b) must include a statement that the original applicant claims that the applicant requested to be added to the application is the spouse, dependent child or

interdependent partner of the original applicant, or a dependent child of an interdependent partner of the original applicant.

The effect of these amendments is to add an interdependent partner and child of an interdependent partner of an applicant to the groups of persons covered by regulation 2.08A as persons who may be added to an application for a permanent visa before it is decided. Currently, the regulation provides for spouses and dependent children to be added to an application.

This reflects provisions in the new permanent General Skilled Migration visas that enable interdependent partners and children of interdependent partners of applicants seeking to satisfy the primary criteria, as well as spouses and dependent children of the applicant, to satisfy the secondary criteria for grant of the visa. However, provision for the addition of a spouse, dependent child, interdependent partner, or dependent child of an interdependent partner to be added to a General Skilled Migration visa application will be limited to applications for Class VE (Skilled (Migrant)) visas and will not be available in respect of applications for Class VB (Skilled (Residence)) visas (see the amendment made by item [20] of Schedule 1 to these Regulations, below).

Item [19] – Paragraph 2.08A(2A)(e)

This item omits the words ‘the application.’ from paragraph 2.08A(2A)(e) of Part 2 of the Principal Regulations, and substitutes the words ‘the application; or’. This is a technical amendment to facilitate insertion of new paragraph 2.08A(2A)(f) by item [20] of Schedule 1 to these Regulations, below.

Item [20] – After paragraph 2.08A(2A)(e)

This item inserts new paragraph 2.08A(2A)(f) in regulation 2.08A in Part 2 of the Principal Regulations. New paragraph 2.08A(2A)(f) refers to new Skilled (Residence) (Class VB) visa.

The effect of this amendment is that an application for a new Skilled (Residence) (Class VB) visa is not an application for a permanent visa to which certain other persons, as set out in subregulations 2.08A(1) and (2), may be added after the application is made but before it is decided.

Item [21] – Regulation 2.08B, heading

This item substitutes a new heading to regulation 2.08B in Part 2 of the Principal Regulations – Addition of certain dependent children to certain applications for temporary visas. This amendment changes the heading to better reflect the purpose of regulation 2.08B following the amendments made by items [22], [23], [24] and [25] of Schedule 1 to these Regulations, below.

Item [22] - Subparagraph 2.08B(1)(a)(ix)

This item omits the words ‘visa; and’ from subparagraph 2.08B(1)(a)(ix) in Part 2 of the Principal Regulations, and substitutes ‘visa; or’. This amendment is a technical

amendment to facilitate the insertion of new subparagraphs 2.08B(1)(a)(x), (xi) and (xii) by item [23] of Schedule 1 to these Regulations, below.

Item [23] – After subparagraph 2.08B(1)(a)(ix)

This item inserts new subparagraphs 2.08B(1)(a)(x), (xi) and (xii) in regulation 2.08B (Addition of certain dependent children to certain applications for temporary visas) in Part 2 of the Principal Regulations.

New subparagraphs 2.08B(1)(a)(x), (xi) and (xii) insert references to a Skilled (Provisional) (Class VC) visa, a Skilled (Provisional) (Class VF) visa, and a Skilled – Designated Area-sponsored (Provisional)(Class UZ) visa, respectively. The effect of this amendment is to provide that applications for the relevant classes of visas are applications for temporary visas to which certain dependent children may be added under regulation 2.08B, after the application is made by before it is decided.

Item [24] – Paragraph 2.08B(1)(b)

This item substitutes a new paragraph 2.08B(1)(b) in regulation 2.08B (Addition of certain dependent children to certain applications for temporary visas) in Part 2 of the Principal Regulations.

New paragraph 2.08B(1)(b) provides that after an application for a temporary visa of a kind listed in paragraph 2.08B(1)(a) is made the applicant may make a request to the Minister to have the applicant's dependent child, or a dependent child of the interdependent partner of the applicant added, to the application. The effect of this amendment is to include a reference to a dependent child of an applicant's interdependent partner in paragraph 2.08B(1)(b). This reflects the provisions of the new Skilled (Provisional) (Class VC) and Skilled (Provisional) (Class VF) visas, introduced into the Principal Regulations by these Regulations, under which the secondary criteria may be satisfied by a dependent child of an interdependent partner of an applicant who satisfies the primary criteria. References to Skilled (Provisional) (Class VC) and Skilled (Provisional) (Class VF) visas are inserted in paragraph 2.08B(1)(a) by item [23] of Schedule 1 to these Regulations, above.

Item [25] – Paragraph 2.08B(1)(c)

This item substitutes a new paragraph 2.08B(1)(c) in regulation 2.08B (Addition of certain dependent children to certain applications for temporary visas) in Part 2 of the Principal Regulations.

New paragraph 2.08B(1)(c) provides that a request made under new paragraph 2.08B(1)(b) must include a statement that the original applicant claims that the applicant requested to be added to the application is the dependent child, or a dependent child of an interdependent partner, of the original applicant. The effect of this amendment is to insert a reference to a dependent child of an interdependent partner of an applicant into paragraph 2.08B(1)(c), and is consequential upon the amendments made to regulation 2.08B by items [23] and [24] of Schedule 1 to these Regulations, above.

Item [26] – After regulation 2.26A

This item inserts new regulation 2.26AA (Prescribed qualifications and number of points for General Skilled Migration visas) in Part 2 of the Principal Regulations. The purpose of new paragraph 2.26AA is to prescribe the points test applicable to the new General Skilled Migration visas.

New subregulation 2.26AA(1) provides that regulation 2.26AA applies to an applicant for a General Skilled Migration visa (see the definition of General Skilled Migration visa inserted in regulation 1.03 by item [4] of Schedule 1 these Regulations, above).

New subregulations 2.26AA(2) and (3) prescribe qualifications and points, respectively, in respect to the assessment of an applicant for a General Skilled Migration visa for which the criteria require the applicant to receive a qualifying score when assessed under Subdivision B of Division 3 of Part 2 of the *Migration Act 1958* ('the Act'). Subsection 93(1) of the Act provides that where the prescribed criteria for the grant of a visa include the criterion that the applicant must receive a specified qualifying score when assessed under Subdivision B of Division 3 of Part 2 of the Act (that is, when assessed under the 'points test'), the Minister shall make an assessment by giving the applicant the prescribed number of points for each prescribed qualification that is satisfied in relation to the applicant.

New subregulation 2.26AA(2) prescribes the qualifications, for the purposes of subsection 93(1) of the Act, against which applicants are to be assessed under criteria requiring them to satisfy the points test for grant of one of the following visas:

- a Subclass 175 (Skilled – Independent) visa;
- a Subclass 176 (Skilled – Sponsored) visa;
- a Subclass 475 (Skilled – Regional Sponsored) visa;
- a Subclass 885 (Skilled – Independent) visa;
- a Subclass 886 (Skilled – Sponsored) visa; or
- a Subclass 487 (Skilled – Regional Sponsored) visa.

The prescribed qualifications are the qualifications set out in column 2 of an item in Parts 6B.1 to 6B.12 of new Schedule 6B, inserted in the Principal Regulations by item [128] of Schedule 1 to these Regulations, below.

New subregulation 2.26AA(3) prescribes the points, for the purposes of subsection 93(1) of the Act, which are to be awarded to an applicant in respect of the qualifications prescribed by new subregulation 2.26AA(2) above. The prescribed points are the points set out in column 3 against the relevant qualification set out in column 2 of an item in Parts 6B.1 to 6B.12 of new Schedule 6B, inserted in the Principal Regulations by item [128] of Schedule 1 to these Regulations, below.

New subregulation 2.26AA(4) prescribes further matters in respect of the qualifications and points prescribed under new subregulations 2.26AA(2) and (3) for the purposes of the points test under subsection 93(1) of the Act.

- New paragraph 2.26AA(4)(a) provides that an applicant must be awarded points for only one qualification in respect of each Part of Schedule 6B.
- New paragraph 2.26AA(4)(b) provides that where an applicant can satisfy more than one qualification in a Part of Schedule 6B, the applicant is to be awarded points on the qualification that attracts the highest number of points.
- New paragraph 2.26AA(4)(c) provides that when assessing an applicant under Part 6B.1 (Occupational qualifications) of Schedule 6B, points must not be awarded under item 6B12 or 6B13 unless the relevant assessing authority has assessed the applicant as holding a qualification relevant to the item.

New subregulation 2.26AA(5) provides that when assessing an applicant under Part 6B.7 (Occupation in demand qualifications) of Schedule 6B, under which points are awarded if the applicant's nominated occupation is a migration occupation in demand, the Minister must have regard to the migration occupations in demand as at the time the application was made or as at the time the points assessment is made, whichever is most favourable to the applicant. 'Migration occupation in demand' is defined in regulation 1.03 of the Principal Regulations to mean a skilled occupation that is specified by the Minister in an instrument in writing to be a migration occupation in demand. The instrument may be changed between the date the application is made and the date the points assessment is made.

New subregulation 2.26AA(6) gives the meanings of certain terms for the purposes of Schedule 6B. The terms *degree*, *diploma*, *employed* and *trade qualification* all have meanings to be found in current regulation 2.26A. The term *professional year* is defined to mean a course specified by the Minister in an instrument in writing for the purposes of the definition.

Item [27] – Regulation 2.27B

This item omits regulation 2.27B (Skills assessment for skilled occupations) from Part 1 of the Principal Regulations. Regulation 2.27B provided for applicants for certain visas to be invited to provide an assessment by a relevant assessing authority of his or her educational qualifications and work history in relation to an occupation other than the applicant's nominated skilled occupation. If the assessment was successful, that other occupation was taken to be the applicant's nominated skilled occupation for purposes of the application for the relevant visa.

Regulation 2.27B operated only in respect of certain skilled visas for which further applications are closed by these Regulations. It is not the intention to continue the provisions of regulation 2.27B in respect of the new General Skilled Migration visas which are introduced by these Regulations to replace the superseded visas.

Item [28] – After regulation 2.27C

This item inserts new regulation 2.27D in Part 2 of the Principal Regulations. New regulation 2.27D provides that in determining whether an applicant satisfies a criterion for the grant of a General Skilled Migration visa that the applicant has

studied in Australia for a certain period, a period of study in Australia cannot be counted unless the applicant held a substantive visa or a Subclass 010 (Bridging A) or Subclass 020 (Bridging B) visa that authorised the applicant to study during that period, and the applicant complied with the conditions of that visa.

This regulation ensures that an applicant who is required to satisfy the two year study requirement (see new regulation 1.15F, inserted in the Principal Regulations by item [14] of Schedule 1 to these Regulations, above) as a criterion for the grant of a new General Skilled Migration visa, or for the award of points under Part 6B.9 or Part 6B.10 of new Schedule 6B to the Principal Regulations (inserted by item [128] of Schedule 1 to these Regulations) can count only periods of study while he or she was the holder of a visa that authorised study, and the conditions of the visa were complied with.

Item [29] – Subparagraph 1114(2)(a)(ii)

This item substitutes subparagraph 1114(2)(a)(ii) in item 1114 (Employer Nomination (Migrant)(Class AN)) of Part 1 of Schedule 1 to the Principal Regulations, with new subparagraphs 1114(2)(a)(ii) and (iii).

New subparagraph 1114(2)(a)(ii) provides that no first instalment of the visa application charge is payable in respect of an application for an Employer Nomination (Migrant)(Class AN) visa made by a person who has also made a valid application for a new Skilled (Migrant)(Class VE) visa, introduced into the Principal Regulations by these Regulations, which has not been decided at the time the application for a Class AN visa is made. This facilitates a Class AN visa application by a person who has applied for a Skilled (Migrant)(Class VE) visa and obtains an Employer Nomination for a specific position before that application is decided.

New subparagraph 1114(2)(a)(iii) continues the existing provision that in any other case of an application for an Employer Nomination (Migrant)(Class AN) visa, the first instalment of the visa application charge is \$1390.

Item [30] – Subparagraphs 1114A(2)(a)(ii) and (iii)

This item substitutes subparagraphs 1114A(2)(a)(ii) and (iii) in item 1114A (Employer Nomination (Residence)(Class BW)) of Part 1 of Schedule 1 to the Principal Regulations, with new subparagraphs 1114A(2)(a)(ii), (iii), (iv) and (v).

New subparagraph 1114A(2)(a)(ii) provides that for certain applications for an Employer Nomination (Residence)(Class BW) visa, the first instalment of the visa application charge is \$190. The relevant applications are those made by holders of a Skilled – Independent Regional (Provisional)(Class UX) visa, which continues the provision of the existing subparagraph 1114A(2)(a)(ii), and holders of a new Subclass 475 (Skilled – Regional Sponsored) visa, or a Subclass 487 (Skilled – Regional Sponsored) visa, introduced into the Principal Regulations by these Regulations.

New subparagraph 1114A(2)(a)(iii) provides that no first instalment of the visa application charge is payable in respect of an application for an Employer Nomination (Residence)(Class BW) visa made by a person who has first made a valid application

for a new Skilled (Residence)(Class VB) visa, introduced into the Principal Regulations by these Regulations, which has not been decided at the time the application for a Class BW visa is made. This facilitates a Class BW visa application by a person who has applied for a Skilled (Residence)(Class VB) visa but obtains an Employer Nomination for a specific position before that application is decided.

New subparagraph 1114A(2)(a)(iv) provides that no first instalment of the visa application charge is payable in respect of an application for an Employer Nomination (Residence)(Class BW) visa made by a person who has first made a valid application for a new Skilled (Migrant)(Class VE) visa, introduced into the Principal Regulations by these Regulations, while holding Subclass 444 (Special category) visa, and that application has not been decided at the time the application for a Class BW visa is made. This facilitates a Class BW visa application by the relevant persons who have applied for a Skilled (Migrant)(Class VE) visa and obtain an Employer Nomination for a specific position before that application is decided.

New subparagraph 1114A(2)(a)(v) continues the existing provision that in any other case of an application for an Employer Nomination (Residence)(Class BW) visa, the first instalment of the visa application charge is \$2060.

Item [31] – Subparagraph 1114A(2)(b)(i)

This item omits ‘subparagraph (iii)’ from subparagraph 1114A(2)(b)(i) in item 1114A (Employer Nomination (Residence)(Class BW)) of Part 1 of Schedule 1 to the Principal Regulations, and inserts ‘subparagraphs (iii) and (iv)’. This amendment is consequential upon the insertion of new sub-subparagraph 1114A(2)(b)(iv) by item [33] of Schedule 1 to these Regulations, below.

Item [32] – Sub-subparagraph 1114A(2)(b)(i)(AA)

This item substitutes sub-subparagraph 1114A(2)(b)(i)(AA) in item 1114A (Employer Nomination (Residence)(Class BW)) of Part 1 of Schedule 1 to the Principal Regulations, with new sub-subparagraph 1114A(2)(b)(i)(AA).

Subparagraph 1114A(2)(b)(i) provides that for certain applications for an Employer Nomination (Residence)(Class BW) visa, the second instalment of the visa application charge is \$5735. New sub-subparagraph 1114A(2)(b)(i)(AA) provides that the relevant applications are those made by applicants who are not holders of a Skilled – Independent Regional (Provisional)(Class UX) visa, which continues the provision of the existing sub-subparagraph 1114A(2)(b)(i)(AA), and not holders of a new Subclass 475 (Skilled – Regional Sponsored) visa, or a Subclass 487 (Skilled – Regional Sponsored) visa, introduced into the Principal Regulations by these Regulations.

Item [33] – Subparagraph 1114A(2)(b)(iv)

This item substitutes subparagraph 1114A(2)(b)(iv) in item 1114A (Employer Nomination (Residence)(Class BW)) of Part 1 of Schedule 1 to the Principal Regulations, with new subparagraphs 1114A(2)(a)(iv) and (v).

New subparagraph 1114A(2)(b)(iv) provides that an amount of \$2860 is payable as the second instalment of the visa application charge in respect of an application for an Employer Nomination (Residence)(Class BW) visa made by a person to whom subparagraphs 1114A(2)(b)(i), (ii) and (iii) do not apply, who has turned 18 at the time of application and is assessed as not having functional English, and who has not previously paid a second instalment visa application charge for an application for a Skilled – Independent Regional (Provisional)(Class UX) visa, a Skilled – Designated Area-sponsored (Provisional)(Class UZ) visa, a Subclass 475 (Skilled – Regional Sponsored) visa, or a Subclass 487 (Skilled – Regional Sponsored) visa.

New subparagraph 1114A(2)(b)(v) continues the existing provision that in any other case of an application for an Employer Nomination (Residence)(Class BW) visa, the second instalment of the visa application charge is nil.

Item [34] – Paragraph 1114A(3)(ba)

This item substitutes paragraph 1114A(3)(ba) in item 1114A (Employer Nomination (Residence)(Class BW)) of Part 1 of Schedule 1 to the Principal Regulations, with new paragraph 1114A(3)(ba).

New paragraph 1114A(3)(ba) provides that to make a valid application for an Employer Nomination (Residence)(Class BW) an applicant who is seeking to satisfy the primary criteria for a Subclass 856 (Employer Nomination Scheme) visa and who is the holder of a Skilled – Independent Regional (Provisional)(Class UX) visa, a Subclass 475 (Skilled – Regional Sponsored) visa, or a Subclass 487 (Skilled – Regional Sponsored) visa, must have held one or more of those visas for a total of at least 2 years before making the application.

The effect of this amendment is to add the new Subclass 475 (Skilled – Regional Sponsored) and Subclass 487 (Skilled – Regional Sponsored) visas to the visas which must have been held for at least 2 years before the application was made. The amendment also removes a reference to an applicant seeking to satisfy the primary criteria for the grant of a Subclass 857 (Regional Sponsored Migration Scheme) visa.

Item [35] – Subparagraph 1121(2)(a)(ii)

This item substitutes subparagraph 1121(2)(a)(ii) in item 1121 (Labour Agreement (Migrant)(Class AU)) of Part 1 of Schedule 1 to the Principal Regulations, with new subparagraphs 1121(2)(a)(ii) and (iii).

New subparagraph 1121(2)(a)(ii) provides that no first instalment of the visa application charge is payable in respect of an application for a Labour Agreement (Migrant)(Class AU) visa made by a person who has first made a valid application for a new Skilled (Migrant)(Class VE) visa, introduced into the Principal Regulations by these Regulations, which has not been decided at the time the application for a Class AU visa is made. This facilitates a Class AU visa application by a person who has applied for a Skilled (Migrant)(Class VE) visa and obtains a position under a labour agreement before that application is decided.

New subparagraph 1121(2)(a)(iii) continues the existing provision that in any other case of an application for a Labour Agreement (Migrant)(Class AU) visa, the first instalment of the visa application charge is \$1390.

Item [36] – Subparagraph 1121A(2)(a)(ii)

This item substitutes subparagraph 1121A(2)(a)(ii) in item 1121A (Labour Agreement (Residence)(Class BV)) of Part 1 of Schedule 1 to the Principal Regulations, with new subparagraphs 1121(2)(a)(ii), (iii) and (iv).

New subparagraph 1121A(2)(a)(ii) provides that no first instalment of the visa application charge is payable in respect of an application for a Labour Agreement (Residence)(Class BV) visa made by a person who has first made a valid application for a new Skilled (Residence)(Class VB) visa, introduced into the Principal Regulations by these Regulations, which has not been decided at the time the application for a Class BV visa is made. This facilitates a Class BV visa application by a person who has applied for a Skilled (Residence)(Class VB) visa and obtains a position under a labour agreement before that application is decided.

New subparagraph 1121A(2)(a)(ii) provides that no first instalment of the visa application charge is payable in respect of an application for a Labour Agreement (Residence)(Class BV) visa made by a person who while the holder of a Subclass 444 (Special category) visa first made a valid application for a new Skilled (Migrant)(Class VE) visa, introduced into the Principal Regulations by these Regulations, which has not been decided at the time the application for a Class BV visa is made. This facilitates a Class BV visa application by a person who has applied for a Skilled (Migrant)(Class VE) visa and obtains a position under a labour agreement before that application is decided.

New subparagraph 1121A(2)(a)(iii) continues the existing provision that in any other case of an application for a Labour Agreement (Residence)(Class BV) visa, the first instalment of the visa application charge is \$1390.

Item [37] – Subparagraph 1121A(2)(b)(i)

This item omits ‘subparagraph (iii) and (iv)’ from subparagraph 1121A(2)(b)(i) in item 1121A (Labour Agreement (Residence)(Class BV)) of Part 1 of Schedule 1 to the Principal Regulations, and inserts ‘subparagraphs (iii), (iv) and (v)’. This amendment is consequential upon the insertion of new sub-subparagraph 1121A(2)(b)(v) by item [39] of Schedule 1 to these Regulations, below.

Item [38] – Subparagraph 1121A(2)(b)(ii)

This item omits ‘subparagraph (iii) and (iv)’ from subparagraph 1121A(2)(b)(ii) in item 1121A (Labour Agreement (Residence)(Class BV)) of Part 1 of Schedule 1 to the Principal Regulations, and inserts ‘subparagraphs (iii), (iv) and (v)’. This amendment is consequential upon the insertion of new sub-subparagraph 1121A(2)(b)(v) by item [39] of Schedule 1 to these Regulations, below.

Item [39] – Subparagraph 1121A(2)(b)(v)

This item substitutes subparagraph 1121A(2)(b)(v) in item 1121A (Labour Agreement (Residence)(Class BV)) of Part 1 of Schedule 1 to the Principal Regulations, with new subparagraphs 1121(2)(b)(v) and (vi).

New subparagraph 1121A(2)(b)(v) provides that an amount of \$2860 is payable as the second instalment of the visa application charge in respect of an application for an Labour Agreement (Residence)(Class BV) visa made by a person to whom subparagraphs 1121A(2)(b)(i) to (iv) do not apply, who has turned 18 at the time of application and is assessed as not having functional English, and who has not previously paid a second instalment visa application charge for an application for a Skilled – Independent Regional (Provisional)(Class UX) visa, a Skilled – Designated Area-sponsored (Provisional)(Class UZ) visa, a Subclass 475 (Skilled – Regional Sponsored) visa, or a Subclass 487 (Skilled – Regional Sponsored) visa.

New subparagraph 1121A(2)(b)(vi) continues the existing provision that in any other case of an application for a Labour Agreement (Residence)(Class BV) visa, the second instalment of the visa application charge is nil.

Item [40] – After paragraph 1128AA(3)(e)

This item inserts new paragraph 1128AA(3)(f) in item 1128AA (Skill Matching (Migrant)(Class BR)) of Part 1 of Schedule 1 to the Principal Regulations.

New paragraph 1128AA(3)(f) provides that an application by a person seeking to satisfy the primary criteria must be made before 1 September 2007. The effect of this amendment is to close the Skill Matching (Migrant)(Class BR) visa to any further primary applicants on or after 1 September 2007. The Skill Matching (Migrant)(Class BR) visa, which has one Subclass 134 (Skill Matching), is not being replaced by the new General Skilled Migration visas.

Item [41] – After paragraph 1128B(3)(d)

This item inserts new paragraph 1128B(3)(da) in item 1128B (Skilled – Australian-sponsored (Migrant)(Class BQ)) of Part 1 of Schedule 1 to the Principal Regulations.

New paragraph 1128B(3)(da) provides that an application by a person seeking to satisfy the primary criteria for the grant of a Subclass 138 (Skilled – Australian-sponsored) visa must be made before 1 September 2007. The effect of this amendment is to prevent further applications being made on and after 1 September 2007 for a Skilled – Australian-sponsored (Migrant)(Class BQ) visa by persons seeking to satisfy the primary criteria for Subclass 138 (Skilled – Australian-sponsored). Subclass 138 is replaced by new Subclass 176 (Skilled – Sponsored) in new Skilled (Migrant)(Class VE), inserted in the Principal Regulations by items [74] and [47] of Schedule 1 to these Regulations, respectively.

Item [42] – After paragraph 1128BA(3)(r)

This item inserts new paragraph 1128BA(3)(s) in item 1128BA (Skilled – Australian-sponsored Overseas Student (Residence)(Class DE)) of Part 1 of Schedule 1 to the Principal Regulations.

New paragraph 1128BA(3)(s) provides that an application by a person seeking to satisfy the primary criteria must be made before 1 September 2007. The effect of this amendment is to close the Skilled – Australian-sponsored Overseas Student (Residence)(Class DE) visa to any further primary applicants on or after 1 September 2007. This class of visa is now replaced by new Skilled (Residence)(Class VB) and Skilled (Provisional)(Class VC), new General Skilled Migration visas inserted in Schedule 1 to the Principal Regulations by items [47] and [52] of Schedule 1 to these Regulations, respectively.

Item [43] – After paragraph 1128C(3)(d)

This item inserts new paragraph 1128C(3)(e) in item 1128C (Skilled – Independent (Migrant)(Class BN)) of Part 1 of Schedule 1 to the Principal Regulations.

New paragraph 1128C(3)(e) provides that an application by a person seeking to satisfy the primary criteria must be made before 1 September 2007. The effect of this amendment is to close the Skilled – Independent (Migrant)(Class BN) visa to any further primary applicants on or after 1 September 2007. This class of visa is now replaced by new Skilled (Residence)(Class VB), inserted in Schedule 1 to the Principal Regulations by item [47] of Schedule 1 to these Regulations.

Item [44] – After paragraph 1128CA(3)(o)

This item inserts new paragraph 1128CA(3)(p) in item 1128CA (Skilled – Independent Overseas Student (Residence)(Class DD)) of Part 1 of Schedule 1 to the Principal Regulations.

New paragraph 1128CA(3)(p) provides that an application by a person seeking to satisfy the primary criteria must be made before 1 September 2007. The effect of this amendment is to close the Skilled – Independent Overseas Student (Residence)(Class DD) visa to any further primary applicants on or after 1 September 2007. This class of visa is replaced by new Skilled (Residence)(Class VB), a new General Skilled Migration visa inserted in Schedule 1 to the Principal Regulations by item [47] of Schedule 1 to these Regulations.

Item [45] – After paragraph 1128D(3)(e)

This item inserts new paragraph 1128D(3)(f) in item 1128D (Skilled – New Zealand Citizen (Residence)(Class DB)) of Part 1 of Schedule 1 to the Principal Regulations.

New paragraph 1128D(3)(f) provides that an application by a person seeking to satisfy the primary criteria must be made before 1 September 2007. The effect of this amendment is to close the Skilled – New Zealand Citizen (Residence)(Class DB) visa to any further primary applicants on or after 1 September 2007. This class of visa is now replaced by new Skilled (Migrant)(Class VE) and Skilled (Provisional)(Class VF), new General Skilled Migration visas inserted in Schedule 1 to the Principal Regulations by item [47] and [52] of Schedule 1 to these Regulations, respectively.

Item [46] – After paragraph 1134(3)(f)

This item inserts new paragraph 1134(3)(g) in item 1134 (Skilled – Designated Area-sponsored (Residence)(Class CC)) of Part 1 of Schedule 1 to the Principal Regulations.

New paragraph 1134A(3)(g) provides that an application by a person seeking to satisfy the primary criteria must be made before 1 September 2007. The effect of this amendment is to close the Skilled – Designated Area-sponsored (Residence)(Class CC) visa to any further primary applicants on or after 1 September 2007. This class of visa has now been replaced by new Skilled (Residence)(Class VB), a new General Skilled Migration visa inserted in Schedule 1 to the Principal Regulations by item [47] of Schedule 1 to these Regulations.

Item [47] – After item 1134

This item inserts new items 1135 and 1136 in Part 1 (Permanent Visas) of Schedule 1 (Classes of visas) to the Principal Regulations. The new Items create new classes of General Skilled Migration visas for which applicants may apply on and from 1 September 2007. The new Items and classes are Item 1135 – Skilled (Migrant)(Class VE), and Item 1136 – Skilled (Residence)(Class VB). Details of the new Items follow.

New Item 1135 – Skilled (Migrant) (Class VE)

This Item prescribes the requirements for making a valid application for a Skilled (Migrant)(Class VE) visa.

- Subitem 1135(1) prescribes the forms that may be used in applying.
- Subitem 1135(2) prescribes the Visa Application Charge, which is payable in two instalments.
- Subitem 1135(3) prescribes other matters including where the application must be made, and the requirements that an applicant seeking to satisfy the primary criteria must be less than 45 and must nominate a skilled occupation in his or her application. There is also provision for applications by certain persons to be made at the same time and place and combined with the application of a person who seeks to satisfy the primary criteria.
- Subitem 1135(4) sets out the two subclasses of Skilled (Migrant) (Class VE). These are Subclass 175 (Skilled – Independent) and Subclass 176 (Skilled – Sponsored). These subclasses are inserted in Schedule 2 to the Principal Regulations by item [74] of Schedule 1 to these Regulations. For further details of the subclasses, please see the notes on that item, below.

New Item 1136 – Skilled (Residence) (Class VB)

This Item prescribes the requirements for making a valid application for a Skilled (Residence) (Class VB) visa.

- Subitem 1136(1) prescribes the forms that may be used in applying.
- Subitem 1136(2) prescribes the Visa Application Charge, which is payable in two instalments.
- Subitem 1136(3) prescribes other matters including where the application must be made and requiring that the applicant must be in Australia but not in immigration clearance at the time of application. This subitem also makes provision for certain applications to be made at the same time and place and combined with that of a person seeking to satisfy the primary criteria, and requires applicants to satisfy subitem 1136(4), (5), (6) or (7).
- Subitem 1135(4) may be satisfied by an applicant who is the holder of an eligible student visa, or who has held a student visa and meets certain other requirements, is less than 45, and has nominated a skilled occupation for which at least 50 points are available.
- Subitem 1135(5) may be satisfied by holders of a Subclass 476 (Skilled – Recognised Graduate) or 485 (Skilled – Graduate) visa and the applicant seeking to satisfy the primary criteria is less than 45, or was granted the Subclass 476 or 485 visa on the basis of satisfying the primary criteria, and has nominated a skilled occupation for which at least 50 points are available.
- Subitem 1135(6) may be satisfied by the holder of a Subclass 471 (Trade Skills Training) visa where the applicant seeking to satisfy the primary criteria has held that visa for at least 2 years before the application is made, is less than 45, and has nominated a skilled occupation for which at least 50 points are available.
- Subitem 1135(7) may be satisfied by holders of certain provisional visas, where the applicant seeking to satisfy the primary criteria has held the provisional visa for at least 2 years before the date of the application.
- Subitem 1136(8) sets out the three subclasses of Skilled (Residence) (Class VB). These are Subclass 885 (Skilled – Independent), Subclass 886 (Skilled – Sponsored), and Subclass 887 (Skilled – Regional). These subclasses are inserted in Schedule 2 to the Principal Regulations by item [127] of Schedule 1 to these Regulations. For further details of the subclasses, please see the notes on that item, below.

Item [48] – After paragraph 1212A(3)(m)

This item inserts new paragraph 1212A(3)(n) in item 1212A (Graduate – Skilled (Temporary) (Class UQ)) of Part 2 of Schedule 1 to the Principal Regulations.

New paragraph 1212A(3)(n) provides that an application by a person seeking to satisfy the primary criteria must be made before 1 September 2007. The effect of this amendment is to close the Graduate – Skilled (Temporary)(Class UQ) visa to any further primary applicants on or after 1 September 2007. This class of visa has now been replaced by new Skilled (Provisional)(Class VC), a new General Skilled Migration visa inserted in Schedule 1 to the Principal Regulations by item [52] of Schedule 1 to these Regulations.

Item [49] – Paragraph 1214C(3)(g)

This item substitutes paragraph 1214C(3)(g) in item 1214C (Partner (Temporary)(Class UK)) of Part 2 of Schedule 1 to the Principal Regulations, with new paragraph 1214C(3)(g).

New paragraph 1214C(3)(g) requires that if an applicant for a Partner (Temporary)(Class UK) visa holds a Skilled – Independent Regional (Provisional)(Class UX) visa, or a Subclass 475 (Skilled – Regional Sponsored) or 487 (Skilled – Regional Sponsored) visa, or the last substantive visa held by the applicant was one of those visas, in order to make a valid application for a Partner (Temporary)(Class UK) visa, the applicant must have held the relevant visa for at least 2 years.

The effect of this amendment is to add visas of new Subclasses 475 and 487, introduced into the Principal Regulations by these Regulations, to the visas which, if held (or last held) at the time of application for a Class UK visa, the applicant is required to have held for at least 2 years in order to make a valid application for a Class UK visa.

Item [50] – After paragraph 1218A(3)(e)

This item inserts new paragraph 1218A(3)(f) in item 1218A (Skilled – Independent Regional (Provisional)(Class UX)) of Part 2 of Schedule 1 to the Principal Regulations.

New paragraph 1218A(3)(f) provides that an application by a person seeking to satisfy the primary criteria must be made before 1 September 2007. The effect of this amendment is to close the Skilled – Independent Regional (Provisional)(Class UX) visa to any further primary applicants on or after 1 September 2007. This class of visa has now been replaced by new Skilled (Provisional)(Class VC) and Skilled (Provisional)(Class VF), new General Skilled Migration visas inserted in Schedule 1 to the Principal Regulations by item [52] of Schedule 1 to these Regulations.

Item [51] – After paragraph 1226(3)(g)

This item inserts new paragraph 1226(3)(h) in item 1226 (Skilled – Designated Area-sponsored (Provisional)(Class UZ)) of Part 2 of Schedule 1 to the Principal Regulations.

New paragraph 1226(3)(h) provides that an application by a person seeking to satisfy the primary criteria must be made before 1 September 2007. The effect of this amendment is to close the Skilled – Designated Area-sponsored (Provisional)(Class UZ) visa to any further primary applicants on or after 1 September 2007. This class of visa has now been replaced by new Skilled (Provisional)(Class VF), a new General Skilled Migration visa inserted in Schedule 1 to the Principal Regulations by item [52] of Schedule 1 to these Regulations.

Item [52] – After item 1227

This item inserts new items 1228 and 1229 in Part 2 (Temporary Visas) of Schedule 1 (Classes of visas) to the Principal Regulations. The new Items create new classes of General Skilled Migration visas for which applicants may apply on and from

1 September 2007. The new Items and classes are Item 1228 – Skilled (Provisional)(Class VF), and Item 1229 – Skilled (Provisional)(Class VC). Details of the new Items follow.

New Item 1228 – Skilled (Provisional) (Class VF)

This Item prescribes the requirements for making a valid application for a Skilled (Provisional)(Class VF) visa.

- Subitem 1228(1) prescribes the forms that may be used in applying.
- Subitem 1228(2) prescribes the Visa Application Charge, which is payable in two instalments.
- Subitem 1228(3) prescribes other matters including where the application must be made and provision for an application by certain persons to be made at the same time and place and combined with an application by a person seeking to satisfy the primary criteria. An applicant seeking to satisfy the primary criteria for Subclass 475 (Skilled – Regional Sponsored) must be less than 45 and must nominate a skilled occupation in his or her application. An applicant seeking to satisfy the primary criteria for Subclass 476 (Skilled – Recognised Graduate) must be less than 31.
- Subitem 1228(4) sets out the two subclasses of Skilled (Provisional) (Class VF). These are Subclass 475 (Skilled – Regional Sponsored) and Subclass 476 (Skilled – Recognised Graduate). These subclasses are inserted in Schedule 2 to the Principal Regulations by item [77] of Schedule 1 to these Regulations. For further details of the subclasses, please see the notes on that item, below.

New Item 1229 – Skilled (Provisional) (Class VC)

This Item prescribes the requirements for making a valid application for a Skilled (Provisional) (Class VC) visa.

- Subitem 1229(1) prescribes the forms that may be used in applying.
- Subitem 1229(2) prescribes the Visa Application Charge, which is payable in two instalments.
- Subitem 1229(3) prescribes other matters including where the application must be made and provision for certain applications to be made at the same time and place and combined with that of a person seeking to satisfy the primary. An applicant who is seeking to satisfy the primary criteria must be in Australia, but not in immigration clearance, at the time the application is made. Applicants are also required to satisfy the requirements of subitem 1229(4), (5), (6), (7), (8) or (9).
- Subitem 1229(4) may be satisfied by an applicant who is the holder of an eligible student visa, or who has held a student visa and meets certain other requirements, is less than 45, and has nominated a skilled occupation for which at least 50 points are available.
- Subitem 1229(5) may be satisfied by holders of a Subclass 476 (Skilled – Recognised Graduate) or 485 (Skilled – Graduate) visa and the applicant seeking to satisfy the primary criteria is less than 45, or was granted the

- Subclass 476 or 485 visa on the basis of satisfying the primary criteria, and has nominated a skilled occupation for which at least 50 points are available.
- Subitem 1229(6) may be satisfied by the holder of a Subclass 471 (Trade Skills Training) visa where the applicant seeking to satisfy the primary criteria has held that visa for at least 2 years before the application is made, is less than 45, and has nominated a skilled occupation for which at least 50 points are available.
 - Subitem 1135(7) may be satisfied by the holder of a Subclass 417 (Working Holiday) or Subclass 442 (Occupational Trainee) visa who is less than 45, and has nominated a skilled occupation for which at least 50 points are available.
 - Subitem 1229(8) may be satisfied by holders of certain provisional visas, where the applicant seeking to satisfy the primary criteria has held the provisional visa for at least 2 years before the date of the application.
 - Subitem 1229(9) may be satisfied by an applicant who claims to be a member of the family unit, interdependent partner, or dependent child of an interdependent partner of an applicant who holds a Skilled (Provisional)(Class VC) visa granted on the basis of satisfying the primary criteria for the grant of the visa.
 - Subitem 1229(10) sets out the two subclasses of Skilled (Provisional) (Class VC). These are Subclass 485 (Skilled – Graduate), and Subclass 487 (Skilled – Regional Sponsored). These subclasses are inserted in Schedule 2 to the Principal Regulations by item [77] of Schedule 1 to these Regulations. For further details of the subclasses, please see the notes on that item, below.

Item [53] – Subitem 1301(1)

This item amends subitem 1301(1) of item 1301 (Bridging A (Class WA)) of Part 3 (Bridging Visas) of Schedule 1 to the Principal Regulations, by omitting ‘ 1150E (Internet) or 1208’ and inserting ‘1150E (Internet), 1208, 1276 or 1276 (Internet)’.

The effect of this amendment is to make new application forms 1276 and 1276 (Internet), used to make an application for a General Skilled Migration visa, to be also applications forms for a Bridging A (Class WA) visa.

Item [54] – Subitem 1303(1)

This item amends subitem 1303(1) of item 1303 (Bridging C (Class WC)) of Part 3 (Bridging Visas) of Schedule 1 to the Principal Regulations by omitting ‘ 1150 or 1150E (Internet)’ and inserting form ‘1150, 1150E (Internet), 1276 or 1276 (Internet)’.

The effect of this amendment is to make new application forms 1276 and 1276 (Internet), used to make an application for a General Skilled Migration visa, to be also applications forms for a Bridging C (Class WC) visa.

Item [55] – Subitem 1305(1)

This item amends subitem 1305(1) of item 1305 (Bridging E (Class WE)) of Part 3 (Bridging Visas) of Schedule 1 to the Principal Regulations by omitting ‘1150 or

1150E (Internet)’ and inserting form ‘1150, 1150E (Internet), 1276 or 1276 (Internet)’.

The effect of this amendment is to make new application forms 1276 and 1276 (Internet) used to make an application for a General Skilled Migration visa to be also applications forms for a Bridging E (Class WE) visa.

Part 3 – Amendments of Schedule 2 to the Migration Regulations 1994

Item [56] – Paragraph 010.611(3A)(d)

This item amends paragraph 010.611(3A)(d) of Part 010 (Subclass 010 – Bridging A) of Schedule 2 to the Principal Regulations, by omitting the words ‘Schedule 1;’ and inserting ‘Schedule 1; or’. This amendment facilitates the insertion of new paragraph 010.611(3A)(e) by item [57] of Schedule 1 to these Regulations, below.

Item [57] – After paragraph 010.611(3A)(d)

This item inserts new paragraph 010.611(3A)(e) in Part 010 (Subclass 010 – Bridging A) of Schedule 2 to the Principal Regulations. New paragraph 010.611(3A)(c) inserts a reference to certain new Skilled (Provisional) (Class VC) visas, introduced into the Principal Regulations by these Regulations, in subclause 010.611(3A). The effect of this amendment is that condition 8501 is imposed on a Bridging A visa granted in respect of a valid application for a relevant new Skilled (Provisional) (Class VC) visa. Condition 8501 requires that the visa holder must maintain adequate arrangements for health insurance while the visa holder is in Australia.

Item [58] – Paragraph 010.611(3B)(b)

This item amends paragraph 010.611(3B)(b) of Part 010 (Subclass 010 – Bridging A) of Schedule 2 to the Principal Regulations, by omitting the words ‘(Class DE) visa;’ and inserting ‘(Class DE); or’. This amendment facilitates the insertion of new paragraph 010.611(3B)(c) by item [59] of these Regulations, below.

Item [59] – After paragraph 010.611(3B)(b)

This item inserts new paragraph 010.611(3B)(c) in Part 010 (Subclass 010 – Bridging A) of Schedule 2 to the Principal Regulations. New paragraph 010.611(3B)(c) inserts a reference to the new Skilled (Residence) (Class VB) visa, introduced into the Principal Regulations by these Regulations, in subclause 010.611(3B). The effect of this amendment is that there are no conditions imposed on a Bridging A visa granted in respect of a valid application for a new Skilled (Residence) (Class VB) visa.

Item [60] – Paragraph 020.611(3)(b)

This item omits the words ‘of Schedule 1;’ from paragraph 020.611(3)(b) in Part 020 (Subclass 020 – Bridging B) of Schedule 2 to the Principal Regulations, and substitutes the words ‘of Schedule 1; or’. This amendment facilitates the insertion of new paragraph 020.611(3)(c) by item [61] of Schedule 1 to these Regulations, below.

Item [61] – After paragraph 020.611(3)(b)

This item inserts new paragraph 020.611(3)(c) in Part 020 (Subclass 020 – Bridging B) of Schedule 2 to the Principal Regulations. New paragraph 020.611(3)(c) inserts a reference to certain new Skilled (Provisional) (Class VC) visas, introduced into the Principal Regulations by these Regulations, in subclause 020.611(3). The effect of this amendment is that condition 8501 is imposed on a Bridging B visa granted in respect of a valid application for a relevant new Skilled (Provisional) (Class VC) visa. Condition 8501 requires that the visa holder must maintain adequate arrangements for health insurance while the visa holder is in Australia.

Item [62] – Paragraph 020.611(4)(b)

This item amends paragraph 020.611(4)(b) of Part 020 (Subclass 020 – Bridging B) of Schedule 2 to the Principal Regulations, by omitting the words ‘(Class DE) visa;’ and inserting ‘(Class DE); or’. This amendment facilitates the insertion of new paragraph 010.611(4)(c) by item [63] of Schedule 1 to these Regulations, below.

Item [63] – After paragraph 020.611(4)(b)

This item inserts new paragraph 020.611(4)(c) in Part 020 (Subclass 020 – Bridging B) of Schedule 2 to the Principal Regulations. New paragraph 020.611(4)(c) inserts a reference to the new Skilled (Residence) (Class VB) visa, introduced into the Principal Regulations by these Regulations, in subclause 020.611(4). The effect of this amendment is that there are no conditions imposed on a Bridging B visa granted in respect of a valid application for a new Skilled (Residence) (Class VB) visa.

Item [64] – Subclause 119.211(3)

This item inserts new subclause 119.211(3) in Part 119 (Subclass 119 – Regional Sponsored Migration Scheme) of Schedule 2 to the Principal Regulations.

New subclause 119.211(3) provides that at the time of application, an applicant for a Subclass 119 visa to whom subclause 119.211(2) does not apply and who is mentioned in new subparagraph 1114(2)(a)(ii) of Schedule 1 to the Principal Regulations must be aged less than 45 years at the time of application for a Skilled (Migrant)(Class VE) visa, must have competent English (see definition in new regulation 1.15C, inserted in the Principal Regulations by item [14] of Schedule 1 these Regulations, above), and, must have a diploma (within the meaning of subregulation 2.26A(6) of the Principal Regulations) or higher qualification that, unless the appointment is exceptional, is relevant to the appointment.

New subparagraph 1114(2)(a)(ii) is inserted in Schedule 1 to the Principal Regulations by item [29] of Schedule 1 to these Regulations, above, and refers to a person who has made a valid application for a new Skilled (Migrant)(Class VE) visa, introduced into the Principal Regulations by these Regulations, and that application has not yet been granted or refused. The effect of new subparagraph 1114(2)(a)(ii) is that for the applicants mentioned there is no first instalment of the visa application charge payable in respect of an application for an Employer Nomination (Migrant)(Class AN) visa.

The purpose of this amendment is to ensure that a person who applies for a new Skilled (Migrant)(Class VE) visa and before that application is decided, is nominated by a regional employer and applies for a Subclass 119 (Regional Sponsored Migration Scheme) visa, must meet the same requirements relating to age, English language ability and qualifications for grant of a Subclass 119 visa as would have been required for grant of a Skilled (Migrant)(Class VE) visa.

Item [65] – Subclause 120.211(1)

This item amends subclause 120.211(1) of Part 120 (Subclass 120 – Labour Agreement) of Schedule 2 to the Principal Regulations, by inserting the words ‘or (6)’ after the words ‘subclause (5)’. This amendment is consequential upon the insertion of new subclause 120.211(6) by item [66] of Schedule 1 to these Regulations, below.

Item [66] – After subclause 120.211(5)

This item inserts new subclause 120.211(6) in Part 120 (Subclass 120 – Labour Agreement) of Schedule 2 to the Principal Regulations.

New subclause 120.211(6) provides that at the time of application, an applicant for a Subclass 120 (Labour Agreement) visa who seeks to enter Australia to work in accordance with a labour agreement and is mentioned in new subparagraph 1121(2)(a)(ii) of Schedule 1 to the Principal Regulations must:

- have been nominated to work in Australia in accordance with a labour agreement that is in effect, by an employer that is a party to that labour agreement;
- have qualifications and experience that are suitable for the position;
- have been aged less than 45 years at the time of application for a Skilled (Migrant)(Class VE) visa;
- have met the requirements of the labour agreement;
- have competent English (see definition in new regulation 1.15C, inserted in the Principal Regulations by item [14] of Schedule 1 to these Regulations, above); and
- have a diploma (within the meaning of subregulation 2.26A(6) of the Principal Regulations) or higher qualification that is relevant to the appointment.

New subparagraph 1121(2)(a)(ii) is inserted in Schedule 1 to the Principal Regulations by item [35] of these Regulations, above, and refers to a person who has made a valid application for a new Skilled (Migrant)(Class VE) visa, introduced into the Principal Regulations by these Regulations, and that application has not yet been granted or refused. The effect of new subparagraph 1121(2)(a)(ii) is that for the applicants mentioned there is no first instalment of the visa application charge payable in respect of an application for an Labour Agreement (Migrant)(Class AU) visa.

The purpose of this amendment is to ensure that a person who applies for a new Skilled (Migrant)(Class VE) visa and before that application is decided, obtains a position under a labour agreement and applies for a Subclass 120 (Labour Agreement) visa, meets the same requirements relating to age, English language ability and qualifications for grant of a Subclass 120 visa as would have been required for grant of a Skilled (Migrant)(Class VE) visa.

Item [67] – Before clause 121.211A

This item inserts new clause 121.210 in Part 121 (Subclass 121 – Employer Nomination) of Schedule 2 to the Principal Regulations.

New clause 121.210 provides that at the time of application, an applicant for a Subclass 121 (Employer Nomination) visa who has been nominated by an employer for an appointment in the business of that employer, and who is mentioned in new subparagraph 1114(2)(a)(ii) of Schedule 1 to the Principal Regulations, must be aged less than 45 years at the time of application for a Skilled (Migrant)(Class VE) visa, must have competent English (see definition in new regulation 1.15C, inserted in the Principal Regulations by item [14] of Schedule 1 to these Regulations, above), and must have a diploma (within the meaning of subregulation 2.26A(6) of the Principal Regulations) or higher qualification that, unless the appointment is exceptional, is relevant to the appointment.

New subparagraph 1114(2)(a)(ii) is inserted in Schedule 1 to the Principal Regulations by item [29] of Schedule 1 to these Regulations, above, and refers to a person who has made a valid application for a new Skilled (Migrant)(Class VE) visa, introduced into the Principal Regulations by these Regulations, and that application has not yet been granted or refused. The effect of new subparagraph 1114(2)(a)(ii) is that for the applicants mentioned there is no first instalment of the visa application charge payable in respect of an application for an Employer Nomination (Migrant)(Class AN) visa.

The purpose of this amendment is to ensure that a person who applies for a new Skilled (Migrant)(Class VE) visa and before that application is decided, is nominated by an employer for an approved appointment and applies for a Subclass 121 (Employer Nomination) visa, meets the same requirements relating to age, English language ability and qualifications for grant of a Subclass 121 visa as would have been required for grant of a Skilled (Migrant)(Class VE) visa.

Item [68] – Clause 121.211

This item amends clause 121.211 of Part 121 (Subclass 121 – Employer Nomination) of Schedule 2 to the Principal Regulations by omitting the words ‘If clause 121.211A does not apply’ and substituting the words ‘If clauses 121.210 and 121.211A do not apply’. This amendment is consequential upon the insertion of new clause 121.210 by item [67] of these Regulations, above.

Item [69] – Before clause 134.212

This item inserts new clause 134.210 in Part 134 (Subclass 134 – Skill Matching) of Schedule 2 to the Principal Regulations. New clause 134.210 prescribes as a primary

criterion for Subclass 134, that the application must be made before 1 September 2007.

This reflects the amendment made to Item 1128AA (Skill Matching (Migrant)(Class BR)) of Schedule 1 to the Principal Regulations by item [40] of Schedule 1 to these Regulations, above, which has the effect that no further applications for visas of Class BR (which contains Subclass 134) may be made on or after 1 September 2007 by persons seeking to satisfy the primary criteria. Applications made before that date will continue to be processed under the existing Subclass 134 criteria.

Item [70] – Before clause 136.212

This item inserts new clause 136.210 in Part 136 (Subclass 136 – Skilled - Independent) of Schedule 2 to the Principal Regulations. New clause 136.210 prescribes as a primary criterion for Subclass 136, the application must be made before 1 September 2007.

This reflects the amendment made to Item 1128C (Skilled – Independent (Migrant)(Class BN)) of Schedule 1 to the Principal Regulations by item [43] of Schedule 1 to these Regulations, above, which has the effect that no further applications for visas of Class BN (which contains Subclass 136) may be made on or after 1 September 2007 by persons seeking to satisfy the primary criteria. Applications made before that date will continue to be processed under the existing Subclass 136 criteria. From 1 September 2007, Subclass 136 will be replaced by new Subclass 175 (Independent) as a subclass of the new Skilled (Migrant) (Class VE) visa, introduced into the Principal Regulations by these Regulations.

Item [71] – Before clause 137.212

This item inserts new clause 137.210 in Part 137 (Subclass 137 – Skilled – State/Territory-nominated Independent) of Schedule 2 to the Principal Regulations. New clause 137.210 prescribes as a primary criterion for Subclass 137, that the application must be made before 1 September 2007.

This reflects the amendment made to Item 1128C (Skilled – Independent (Migrant)(Class BN)) of Schedule 1 to the Principal Regulations by item [43] of Schedule 1 to these Regulations, above, which has the effect that no further applications for visas of Class BN (which contains Subclass 137) may be made on or after 1 September 2007 by persons seeking to satisfy the primary criteria. Applications made before that date will continue to be processed under the existing Subclass 137 criteria. From 1 September 2007, Subclass 137 will be replaced by new Subclass 176 (Sponsored) as a subclass of the new Skilled (Migrant) (Class VE) visa, introduced into the Principal Regulations by these Regulations.

Item [72] – Before clause 138.211

This item inserts new clause 138.210 in Part 138 (Subclass 138 – Skilled – Australian-sponsored) of Schedule 2 to the Principal Regulations. New clause 138.210 prescribes as a primary criterion for Subclass 138, that the application must be made before 1 September 2007.

This reflects the amendment made to Item 1128B (Skilled – Australian-sponsored (Migrant) (Class BQ)) of Schedule 1 to the Principal Regulations by item [41] of Schedule 1 to these Regulations, above, which has the effect that no further applications may be made on or after 1 September 2007 by persons seeking to satisfy the primary criteria for the grant of a Subclass 138 (Skilled – Australian-sponsored) visa. Applications made before that date will continue to be processed under the existing Subclass 138 criteria. From 1 September 2007, Subclass 138 will be replaced by new Subclass 176 (Sponsored) as a subclass of the new Skilled Migration (Class VE) visa, introduced into the Principal Regulations by these Regulations.

Item [73] – Clause 138.221A

This item omits clause 138.221A from Part 138 (Subclass 138 – Skilled – Australian-sponsored) of Schedule 2 to the Principal Regulations. The omitted clause 138.221A referred to special criteria to be satisfied at the time of decision by applicants whose application has been sponsored by a person living in an postcode specified in an instrument for subparagraph (a)(i) of the definition of ‘skilled occupation’. Paragraph (a)(i) of the definition of ‘skilled occupation’ in regulation 1.03 has been removed by item [6] of Schedule 1 to these Regulations. For further details, please see the notes on that item, above.

The effect of this amendment is that for applicants who applied before 1 September 2007 for a Class BQ visa on the basis of seeking to satisfy the primary criteria for a Subclass 138 and whose applications had not been finalised before that date, the special provisions for applicants sponsored by an Australian relative living in a specified postcode will no longer be relevant to deciding the application.

Item [74] – After Part 173

This item inserts two new Parts in Schedule 2 to the Principal Regulations. These are:

- new Part 175 (Subclass 175 – Skilled – Independent); and
- new Part 176 (Subclass 176 – Skilled – Sponsored).

New Subclasses 175 and 176 are subclasses of new Skilled (Migrant) (Class VE), inserted in Schedule 1 to the Principal Regulations as new Item 1135 by item [47] of Schedule 1 to these Regulations, above. Following are details of the new subclasses created by these new Parts.

Subclass 175 – Skilled – Independent

Subclass 175 is a permanent visa that from 1 September 2007 replaces Subclass 136 (Skilled – Independent) and Subclass 861 (Skilled – Independent New Zealand Citizen), for which amendments made by these Regulations prevent further applications by persons seeking to satisfy the primary criteria on or after 1 September 2007.

The eligibility criteria for Subclass 175 require applicants seeking to satisfy the primary criteria to achieve a specified qualifying score on a points assessment under new Schedule 6B (inserted in the Principal Regulations by Part 4 of these

Regulations, below), and to have skills in demand in Australia, strong English language skills, and other characteristics that suggest the applicant would be able to settle and find skilled employment in Australia.

Subclass 175 is an offshore visa, that is, applicants must be outside Australia when the visa is granted unless the person who satisfies the primary criteria also holds a Subclass 444 (Special category) visa, in which case applicants may be in or outside Australia when the visa is granted.

Details of the provisions of new Part 175 (Subclass 175) are:

Division 175.1 – Interpretation: This Division sets out the meanings of certain terms used in Subclass 175.

Division 175.2 – Primary criteria: This Division sets out the criteria to be satisfied by a person seeking to satisfy the primary criteria for the grant of a Subclass 175 visa. It has two subdivisions:

- *Subdivision 175.21 – Criteria to be satisfied at time of application:* These criteria relate to the skills, qualifications and employment history of the applicant, and also require applicants to either have a nominated occupation in ASCO Major Group IV and have vocational English, or have competent English (for the meanings of the terms ‘vocational English’ and ‘competent English’, please see new subregulation 1.15B(5) and new regulation 1.15C, respectively, inserted in the Principal Regulations by items [13] and [14] of Schedule 1 to these Regulations, above).
- *Subdivision 175.22 – Criteria to be satisfied at time of decision:* These criteria require the applicant to receive the qualifying score (as specified by the Minister in an instrument in writing for section 96 of the *Migration Act 1958*) under the points test, and also require the applicant to satisfy certain public interest criteria, special return criteria, and other requirements as prescribed.

Division 175.3 – Secondary criteria: This Division sets out the requirements to be met by an applicant who is seeking a Subclass 175 visa on the basis of a relationship to a person who satisfies the primary criteria. The relationship may be as a member of the family unit, an interdependent partner, or the dependent child of an interdependent partner, of the person who satisfies the primary criteria.

Division 175.4 – Circumstances applicable to grant: This Division sets out requirements relating to the location of an applicant at the time the visa is granted. Applicants must be outside Australia, unless the person who satisfies the primary criteria is also the holder of a Subclass 444 (Special category) visa, in which case applicants may be inside or outside Australia.

Division 175.5 – When visa is in effect: This Division provides that a Subclass 175 visa is a permanent visa permitting the holder to travel to and enter Australia for five years from the date of grant.

Division 175.6 – Conditions: This Division provides that if the applicant is outside Australia when a Subclass 175 visa is granted, the visa is subject to a condition that first entry must be made to Australia before a date specified by the Minister for the purpose. In addition, condition 8502, which prevents the entry of the holder to Australia before another specified person has entered, may be imposed on a Subclass 175 visa granted to a person who satisfies the secondary criteria. Condition 8515, which prevents the holder from marrying before entering Australia, may be imposed on any Subclass 175 visa.

Division 175.7 – Way of giving evidence: This Division provides that no evidence needs to be given of grant of a Subclass 175 visa. If evidence is given, it is to be given by way of a label affixed to a valid passport.

Subclass 176 – Skilled – Sponsored

Subclass 176 is a permanent visa that from 1 September 2007 replaces Subclass 137 (Skilled – State/Territory-nominated Independent), Subclass 138 (Skilled – Australian-sponsored), and Subclass 862 (Skilled – Australian Sponsored New Zealand Citizen), for which amendments made by these Regulations prevent further applications by persons seeking to satisfy the primary criteria on or after 1 September 2007.

The eligibility criteria for Subclass 176 require applicants seeking to satisfy the primary criteria to achieve a specified qualifying score when points assessed under new Schedule 6B (inserted in the Principal Regulations by Part 4 of these Regulations, below), and to have skills in demand in Australia, strong English language skills, and either have the support of a specified Australian relative sponsor, or have been nominated by a State or Territory government.

Subclass 176 is an offshore visa, that is, applicants must be outside Australia when the visa is granted unless the person who satisfies the primary criteria also holds a Subclass 444 (Special category) visa, in which case applicants may be in or outside Australia when the visa is granted.

Details of the provisions of new Part 176 (Subclass 176) are:

Division 176.1 – Interpretation: This Division sets out the meanings of certain terms used in Subclass 176.

Division 176.2 – Primary criteria: This Division sets out the criteria to be satisfied by a person seeking to satisfy the primary criteria for the grant of a Subclass 176 visa. It has two subdivisions:

- *Subdivision 176.21 – Criteria to be satisfied at time of application:* These criteria relate to the skills, qualifications and employment history of the applicant, and also require applicants either to have a nominated occupation in ASCO Major Group IV and have vocational English, and or have competent English (for the meanings of the terms ‘vocational English’ and ‘competent English’, please see new subregulation 1.15B(5) and new regulation 1.15C,

respectively, inserted in the Principal Regulations by items [13] and [14] of Schedule 1 to these Regulations, above).

- *Subdivision 176.22 – Criteria to be satisfied at time of decision:* These criteria require the applicant to receive the qualifying score (as specified by the Minister in an instrument in writing for section 96 of the *Migration act 1958*) under the points test. In addition, at the time of decision applicants are required to be either nominated by a State or Territory government agency and the Minister has accepted the nomination, or sponsored by a specified Australian relative and the Minister has accepted that nomination. At the time of decision applicants are also required to satisfy certain public interest criteria, special return criteria, and other requirements as prescribed.

Division 176.3 – Secondary criteria: This Division sets out the requirements to be met by an applicant who is seeking a Subclass 176 visa on the basis of a relationship to a person who satisfies the primary criteria. The relationship may be as a member of the family unit, an interdependent partner, or the dependent child of an interdependent partner, of the person who satisfies the primary criteria.

Division 176.4 – Circumstances applicable to grant: This Division sets out requirements relating to the location of an applicant at the time the visa is granted. Applicants must be outside Australia, unless the person who satisfies the primary criteria is also the holder of a Subclass 444 (Special category) visa, in which case applicants may be inside or outside Australia.

Division 176.5 – When visa is in effect: This Division provides that a Subclass 176 visa is a permanent visa permitting the holder to travel to and enter Australia for five years from the date of grant.

Division 176.6 – Conditions: This Division provides that if the applicant is outside Australia when a Subclass 176 visa is granted, the visa is subject to a condition that first entry must be made to Australia before a date specified by the Minister for the purpose. In addition, condition 8502, which prevents the entry of the holder to Australia before another specified person has entered, may be imposed on a Subclass 176 visa granted to a person who satisfies the secondary criteria. Condition 8515, which prevents the holder from marrying before entering Australia, may be imposed on any Subclass 176 visa.

Division 176.7 – Way of giving evidence: This Division provides that no evidence needs to be given of grant of a Subclass 176 visa. If evidence is given, it is to be given by way of a label affixed to a valid passport.

Item [75] – Sub-subparagraph 422.211(a)(ii)(B)

This item substitutes sub-subparagraph 422.211(a)(ii)(B) in Subclass 442 (Medical Practitioner) of Schedule 2 to the Principal Regulations with new sub-subparagraphs 422.211(a)(ii)(B), (C) and (D). The effect of this amendment is to add new Subclasses 476 (Skilled – Recognised Graduate) and 485 (Skilled – Graduate), introduced into the Principal Regulations by these Regulations, to the visas that may

be held by an applicant who is in the migration zone to satisfy a criterion to be met at the time of application for a Subclass 422 visa.

Item [76] – Sub-subparagraph 457.211(a)(ii)(E)

This item substitutes sub-subparagraph 457.211(a)(ii)(E) in Subclass 457 (Business (Long Stay)) of Schedule 2 to the Principal Regulations with new sub-subparagraphs 457.211(a)(ii)(E), (F) and (G). The effect of this amendment is to add new Subclasses 476 (Skilled – Recognised Graduate) and 485 (Skilled – Graduate), introduced into the Principal Regulations by these Regulations, to the visas that may be held by an applicant who is in the migration zone to satisfy a criterion to be met at the time of application for a Subclass 457 visa.

Item [77] – After Part 471

This item inserts four new Parts in Schedule 2 to the Principal Regulations. These are:

- new Part 475 (Subclass 475 – Skilled – Regional Sponsored);
- new Part 476 (Subclass 476 – Skilled – Recognised Graduate);
- new Part 485 (Subclass 485 – Skilled – Graduate); and
- new Part 487 (Subclass 487 – Skilled – Regional Sponsored).

New Subclasses 475 and 476 are subclasses of new Skilled (Provisional) (Class VF), inserted in Schedule 1 to the Principal Regulations as new Item 1228 by item [52] of Schedule 1 to these Regulations, above.

New Subclasses 485 and 487 are subclasses of new Skilled (Provisional) (Class VC), inserted in Schedule 1 to the Principal Regulations as new Item 1229 by item [52] of Schedule 1 to these Regulations, above.

Following are details of the new subclasses created by these new Parts.

Subclass 475 – Skilled – Regional Sponsored

Subclass 475 is a temporary (provisional) visa that from 1 September 2007 replaces Subclass 495 (Skilled – Independent Regional (Provisional)), Subclass 496 (Skilled – Designated Area-sponsored (Provisional)), and Subclass 863 (Skilled – Onshore Designated Area-sponsored New Zealand Citizen), for which amendments made by these Regulations prevent further applications by persons seeking to satisfy the primary criteria on or after 1 September 2007.

Subclass 475 is intended to allow up to three years temporary (provisional) stay in Australia for applicants who have skills in demand in Australia and strong English language skills, but are unable to meet the requirements for Subclasses 175 and 176 (in particular, are unable to attain the qualifying score for those subclasses under the points test). Applicants may satisfy the primary criteria for Subclass 475 by attaining a lower specified qualifying score, provided they have the support of an Australian relative sponsor living in a designated area of Australia, or have been nominated by a State or Territory government. Subclass 475 visa holders are subject to a condition that requires them to live and work in a designated area, or a regional or low-

population growth area of Australia. A holder of the visa who has held the visa for at least two years and complied with certain requirements relating to place of employment, study and residence, may be eligible to apply for the grant of a permanent General Skilled Migration visa. Subclass 475 visa holders may also apply for a permanent Regional Sponsored Migration Scheme visa.

Subclass 475 is an offshore visa, that is, applicants must be outside Australia when the visa is granted unless the person who satisfies the primary criteria also holds a Subclass 444 (Special category) visa, in which case applicants may be in or outside Australia when the visa is granted.

Details of the provisions of new Part 475 (Subclass 475) are:

Division 475.1 – Interpretation: This Division sets out the meanings of certain terms used in Subclass 475.

Division 475.2 – Primary criteria: This Division sets out the criteria to be satisfied by a person seeking to satisfy the primary criteria for the grant of a Subclass 475 visa. It has two subdivisions:

- *Subdivision 475.21 – Criteria to be satisfied at time of application:* These criteria relate to the skills, qualifications and employment history of the applicant. These criteria also require applicants to either have a nominated occupation in ASCO Major Group IV and have vocational English or to be nominated by a specified State or Territory or sponsored by a relative who resides in a specified State or Territory having arrangements for suitable English-language training and have paid the fee or charge for that training and have concessional competent English or have competent English (for the meanings of the terms ‘vocational English’, ‘competent English’ and ‘concessional competent English’, please see new subregulation 1.15B(5) and new regulations 1.15C and 1.15E, respectively, inserted in the Principal Regulations by items [13] and [14] of Schedule 1 to these Regulations, above). In addition, at the time of application applicants must have indicated that they are nominated by a State or Territory government agency, or sponsored by a prescribed Australian relative living in a designated area of Australia.
- *Subdivision 475.22 – Criteria to be satisfied at time of decision:* These criteria require the applicant to receive the qualifying score (as specified by the Minister in an instrument in writing for Subclass 475) under the points test. In addition, at the time of decision either the applicant’s nomination by a State or Territory or sponsorship by an Australian relative living in a designated area of Australia (as relevant) must have been accepted by the Minister. At the time of decision applicants are also required to satisfy certain public interest criteria, special return criteria, and other requirements as prescribed.

Division 475.3 – Secondary criteria: This Division sets out the requirements to be met by an applicant who is seeking a Subclass 475 visa on the basis of a relationship to a person who satisfies the primary criteria. The relationship may be as a member of the family unit, an interdependent partner, or the dependent child of an interdependent partner, of the person who satisfies the primary criteria.

Division 475.4 – Circumstances applicable to grant: This Division sets out requirements relating to the location of an applicant at the time the visa is granted. Applicants must be outside Australia, unless the person who satisfies the primary criteria is also the holder of a Subclass 444 (Special category) visa, in which case applicants may be inside or outside Australia.

Division 475.5 – When visa is in effect: This Division provides that a Subclass 475 visa granted to a person who satisfies the primary criteria and is in Australia is a temporary visa permitting the holder to travel to and enter and remain in Australia for three years from the date of grant. Further, a Subclass 475 visa granted to a person who satisfies the primary criteria and is outside Australia is a temporary visa permitting the holder to travel to and enter and remain in Australia for three years from the date of first entry. A Subclass 475 visa granted to an applicant who satisfies the secondary criteria will be in effect at the same time as the visa granted to the relevant person who satisfied the primary criteria.

Division 475.6 – Conditions: This Division provides for the following conditions on Subclass 475 visas:

- If the applicant is outside Australia when the visa is granted:
 - the visa is subject to a condition that first entry must be made to Australia before a date specified by the Minister for the purpose;
 - where the visa is granted to a person who satisfies the secondary criteria, condition 8502, which prevents the entry of the holder to Australia before another specified person has entered, may be imposed;
 - condition 8515, which prevents the holder from marrying before entering Australia, may be imposed on any Subclass 475 visa.
- If the applicant was nominated by a State or Territory, the visa is subject to condition 8539, which requires that while the holder is in Australia, the holder must live, study and work only in an area specified by the Minister in an instrument which was in force at the time the first visa subject to this condition was granted. (Note: Condition 8539 in Schedule 8 to the Principal Regulations is amended by item [129] of Schedule 1 to these Regulations, below.)
- If the applicant was sponsored by a specified Australian relative living in a designated area of Australia, the visa is subject to condition 8549 which requires that while the holder is in Australia, the holder must live, study and work only in an area specified by the Minister in an instrument which was in force at the time the first visa subject to this condition was granted. (Note: Condition 8549 in Schedule 8 to the Principal Regulations is amended by item [130] of Schedule 1 to these Regulations, below.)

Division 475.7 – Way of giving evidence: This Division provides that no evidence needs to be given of grant of a Subclass 475 visa. If evidence is given, it is to be given by way of a label affixed to a valid passport.

Subclass 476 – Skilled – Recognised Graduate

Subclass 476 is a new temporary visa introduced from 1 September 2007 by these Regulations. It allows 18 months temporary stay in Australia for applicants who are graduates of certain recognised overseas universities with skills in demand in Australia. Holders have unrestricted rights to work and study in Australia, and are eligible to apply for a permanent General Skilled Migration visa or employer sponsored visa at any time.

Subclass 476 is an offshore visa, that is, applicants must be outside Australia when the visa is granted unless the person who satisfies the primary criteria also holds a Subclass 444 (Special category) visa, in which case applicants may be in or outside Australia when the visa is granted.

Details of the provisions of new Part 476 (Subclass 476) are:

Division 476.1 – Interpretation: This Division sets out the meanings of certain terms used in Subclass 476.

Division 476.2 – Primary criteria: This Division sets out the criteria to be satisfied by a person seeking to satisfy the primary criteria for the grant of a Subclass 476 visa. It has two subdivisions:

- *Subdivision 476.21 – Criteria to be satisfied at time of application:* Applicants must not have previously held a Subclass 476 or 485 visa granted on the basis of satisfying the primary criteria. Within the period of 24 months immediately before making the application they must have completed a course at an institution specified by the Minister in an instrument for the award of a degree in a discipline specified in an instrument. (This will permit the specification, for example, of a range of institutions of internationally recognised quality, and qualifications in fields that are in demand in Australia.) In addition, the applicant must have competent English (for the meaning of ‘competent English’, please see new regulation 1.15C, inserted in the Principal Regulations by item [14] of Schedule 1 to these Regulations, above).
- *Subdivision 476.22 – Criteria to be satisfied at time of decision:* At the time of decision, the applicant must satisfy certain public interest criteria, special return criteria, and other requirements as prescribed.

Division 476.3 – Secondary criteria: This Division sets out the requirements to be met by an applicant who is seeking a Subclass 476 visa on the basis of a relationship to a person who satisfies the primary criteria. The relationship may be as a member of the family unit, an interdependent partner, or the dependent child of an interdependent partner, of the person who satisfies the primary criteria.

Division 476.4 – Circumstances applicable to grant: This Division sets out requirements relating to the location of an applicant at the time the visa is granted. Applicants must be outside Australia, unless the person who satisfies the primary criteria is also the holder of a Subclass 444 (Special category) visa, in which case applicants may be inside or outside Australia.

Division 476.5 – When visa is in effect: this Division provides that a Subclass 476 visa is a temporary visa permitting the holder to travel to and enter Australia until a date specified by the Minister in the visa.

Division 476.6 – Conditions: This Division provides that if the applicant is outside Australia when a Subclass 476 visa is granted, the visa is subject to a condition that first entry must be made to Australia before a date specified by the Minister for the purpose. In addition, condition 8502, which prevents the entry of the holder to Australia before another specified person has entered, may be imposed on a Subclass 476 visa granted to a person who satisfies the secondary criteria. Condition 8515, which prevents the holder from marrying before entering Australia, may be imposed on any Subclass 476 visa.

Division 476.7 – Way of giving evidence: This Division provides that no evidence needs to be given of grant of a Subclass 476 visa. If evidence is given, it is to be given by way of a label affixed to a valid passport.

Subclass 485 – Skilled – Graduate

Subclass 485 is a temporary visa that from 1 September 2007 replaces Subclass 497 (Graduate - Skilled), for which amendments made by these Regulations prevent further applications by persons seeking to satisfy the primary criteria on or after 1 September 2007.

This visa is intended to allow 18 months temporary stay in Australia for applicants who have recently completed studies in Australia but need additional time to gain the skills required to apply for a permanent General Skilled Migration visa (in particular, to attain the qualifying score for those subclasses under the points test). Holders have unrestricted rights to work and study in Australia, and are eligible to apply for a permanent General Skilled Migration visa or employer sponsored visa at any time.

Subclass 485 is an onshore visa, that is, applicants who satisfy the primary criteria, and secondary applicants who made a combined application with that applicant, must be in Australia when the visa is granted. Secondary applicants whose applications were not combined with that of the person who satisfied the primary criteria may be in or outside Australia when the visa is granted.

Details of the provisions of new Part 485 (Subclass 485) are:

Division 485.1 – Interpretation: This Division sets out the meanings of certain terms used in Subclass 485.

Division 485.2 – Primary criteria: This Division sets out the criteria to be satisfied by a person seeking to satisfy the primary criteria for the grant of a Subclass 485 visa. It has two subdivisions:

- *Subdivision 485.21 – Criteria to be satisfied at time of application:*
Applicants must not have previously held a Subclass 476 or 485 visa granted on the basis of satisfying the primary criteria. The applicant must have satisfied the 2 year study requirement within the 6 months immediately before

making the application, and obtained qualifications closely related to the applicant's nominated skilled occupation. (For the meaning of '2 year study requirement', please see new regulation 1.15F, inserted in the Principal Regulations by item [14] of Schedule 1 to these Regulations, above.) These criteria also require applicants to have either nominated occupation in ASCO Major Group IV and have vocational English, or to have competent English (for the meanings of the terms 'vocational English' and 'competent English', please see new subregulation 1.15B(5) and new regulation 1.15C, respectively, inserted in the Principal Regulations by items [13] and [14] of Schedule 1 to these Regulations, above); alternatively, applicants may provide evidence that they have made arrangements to undergo a relevant English test. In addition, applicants must provide evidence relating to arrangements for skills assessment, character and medical checks.

- *Subdivision 485.22 – Criteria to be satisfied at time of decision:* At the time of decision, it must be confirmed that the applicant has the relevant qualifications and language skills, and the applicant must satisfy certain public interest criteria, special return criteria, and other requirements as prescribed.

Division 485.3 – Secondary criteria: This Division sets out the requirements to be met by an applicant who is seeking a Subclass 485 visa on the basis of a relationship to a person who satisfies the primary criteria. The relationship may be as a member of the family unit, an interdependent partner, or the dependent child of an interdependent partner, of the person who satisfies the primary criteria.

Division 485.4 – Circumstances applicable to grant: This Division provides that applicants who satisfy the primary criteria, and secondary applicants who made a combined application with that applicant, must be in Australia when the visa is granted. Secondary applicants whose applications were not combined with that of the person who satisfied the primary criteria may be in or outside Australia when the visa is granted.

Division 485.5 – When visa is in effect: This Division provides that a Subclass 485 visa is a temporary visa permitting the holder to travel to and enter Australia until a date specified by the Minister in the visa.

Division 485.6 – Conditions: This Division provides that condition 8501, which requires an applicant to maintain adequate arrangements for health insurance while in Australia, may be imposed on a Subclass 485 visa.

Division 485.7 – Way of giving evidence: This Division provides that no evidence needs to be given of grant of a Subclass 485 visa. If evidence is given, it is to be given by way of a label affixed to a valid passport.

Subclass 487 – Skilled – Regional Sponsored

Subclass 487 is a temporary (provisional) visa that from 1 September 2007 replaces Subclass 495 (Skilled – Independent Regional (Provisional)) and Subclass 882 (Skilled – Designated Area-sponsored Overseas Student), for which amendments

made by these Regulations prevent further applications by persons seeking to satisfy the primary criteria on or after 1 September 2007.

Subclass 487 is intended to allow up to three years temporary (provisional) stay in Australia for applicants who have recently completed studies in Australia, and have strong English language skills and other characteristics that will enable them to settle and find employment in Australia. Applicants must attain the relevant qualifying score on a points test. Applicants must have the support of a prescribed Australian relative sponsor living in a designated area of Australia, or be nominated by a State or Territory government. Subclass 487 visa holders are subject to a condition that requires them to live and work in a designate area or a regional or low-population growth area of Australia. A holder of a Subclass 487 visa who has held that visa for at least two years and complied with certain requirements relating to place of employment, study and residence, may be eligible to apply for the grant of a permanent General Skilled Migration visa. Subclass 487 visa holders may also apply for a permanent Regional Sponsored Migration Scheme visa.

The holders of certain provisional visas who have complied with the conditions of those visas, may also apply for a subclass 487 visa to extend their temporary stay in Australia from three to a total of four years.

Subclass 487 is an onshore visa, that is, applicants who satisfy the primary criteria, and secondary applicants who made a combined application with that applicant, must be in Australia when the visa is granted. Secondary applicants whose applications were not combined with that of the person who satisfied the primary criteria may be in or outside Australia when the visa is granted.

Details of the provisions of new Part 487 (Subclass 487) are:

Division 487.1 – Interpretation: This Division sets out the meanings of certain terms used in Subclass 487.

Division 487.2 – Primary criteria: This Division sets out the criteria to be satisfied by a person seeking to satisfy the primary criteria for the grant of a Subclass 487 visa. It has two subdivisions:

- *Subdivision 487.21 – Criteria to be satisfied at time of application:* These criteria relate to visas the applicant has already held in Australia, and to qualifications obtained while holding those visas. These criteria also require applicants having a nominated occupation in ASCO Major Group IV to have vocational English. Other applicants nominated by a specified State or Territory or whose sponsor resides in a specified State or Territory having arrangements for suitable English-language training and who have paid the fee or charge for that training must have concessional competent English. Applicants not in either of these groups must have competent English (for the meanings of the terms ‘vocational English’, ‘competent English’ and ‘concessional competent English’, please see new subregulation 1.15B(5) and new regulations 1.15C and 1.15E, respectively, inserted in the Principal Regulations by items [13] and [14] of Schedule 1 to these Regulations, above), or alternatively have arranged to undergo a relevant language test. In addition,

at the time of application applicants must indicate that they have been nominated by a State or Territory government agency, or sponsored by a specified Australian relative living in a designated area of Australia. Applicants are also required to provide evidence of arrangements for skills assessment and character and medical checks.

There are no criteria to be satisfied at the time of application for applicants who have previously held certain provisional visas.

- *Subdivision 487.22 – Criteria to be satisfied at time of decision:* These criteria require the applicant to receive the qualifying score (as specified by the Minister in an instrument in writing for Subclass 487) under the points test,. In addition, at the time of decision either the applicant's nomination by a State or Territory or sponsorship by a prescribed Australian relative living in a designated area of Australia (as relevant) must have been accepted by the Minister. At the time of decision applicants are also required to have confirmation of skills assessment and language skills, and to satisfy certain public interest criteria, special return criteria, and other requirements as prescribed.

Applicants who have previously held certain provisional visas are required to demonstrate that they have complied with the conditions of that visa and to satisfy certain public interest criteria, special return criteria and other requirements as prescribed.

Division 487.3 – Secondary criteria: This Division sets out the requirements to be met by an applicant who is seeking a Subclass 487 visa on the basis of a relationship to a person who satisfies the primary criteria. The relationship may be as a member of the family unit, an interdependent partner, or the dependent child of an interdependent partner, of the person who satisfies the primary criteria.

Division 487.4 – Circumstances applicable to grant: This Division sets out requirements relating to the location of an applicant at the time the visa is granted. Applicants who satisfy the primary criteria, and secondary applicants who made a combined application with that applicant, must be in Australia when the visa is granted. Secondary applicants whose applications were not combined with that of the person who satisfied the primary criteria may be in or outside Australia when the visa is granted.

Division 487.5 – When visa is in effect: This Division provides that a Subclass 487 visa granted to an applicant who was in Australia at the time of applications as the holder of a Skilled – Designated Area-sponsored (Provisional)(Class UZ) visa, a Skilled – Independent Regional (Provisional)(Class UX) visa, a Subclass 475 visa or a Subclass 487 visa, is a temporary visa permitting the holder to travel to, enter and remain in Australia until 48 months after the date of grant of the visa held at time of application. In any other case, a Subclass 487 visa granted to a person who satisfies the primary criteria is a temporary visa permitting the holder to travel to, enter and remain in Australia for three years from the date of grant. A Subclass 487 visa granted to an applicant who satisfies the secondary criteria will be in effect at the same time as the visa granted to the relevant person who satisfied the primary criteria.

Division 487.6 – Conditions: This Division provides for the following conditions on Subclass 487 visas:

- If the applicant is outside Australia when the visa is granted, the visa is subject to a condition that first entry must be made to Australia before a date specified by the Minister for the purpose.
- If the applicant is outside Australia when the visa is granted and the visa is granted to a person who satisfies the secondary criteria, condition 8502, which prevents the entry of the holder to Australia before another specified person has entered, may be imposed.
- If the applicant is outside Australia when the visa is granted condition 8515, which prevents the holder from marrying before entering Australia, may be imposed on any Subclass 475 visa.
- If the applicant was nominated by a State or Territory, or previously held certain visas which were subject to condition 8539, the Subclass 487 visa is subject to condition 8539, which requires that while the holder is in Australia, the holder must live, study and work only in an area specified by the Minister in an instrument which was in force at the time the first visa subject to this condition was granted. (Note: Condition 8539 in Schedule 8 to the Principal Regulations is amended by item [129] of Schedule 1 to these Regulations, below.)
- If the applicant was sponsored by an Australian relative living in a designated area of Australia, or previously held certain visas subject to condition 8549, the Subclass 487 visa is subject to condition 8549 which requires that while the holder is in Australia, the holder live, study and work only in an area specified by the Minister in an instrument which was in force at the time the first visa subject to this condition was granted. (Note: Condition 8549 in Schedule 8 to the Principal Regulations is amended by item [130] of Schedule 1 to these Regulations, below.)

Division 487.7 – Way of giving evidence: This Division provides that no evidence needs to be given of grant of a Subclass 487 visa. If evidence is given, it is to be given by way of a label affixed to a valid passport.

Item [78] – Before clause 495.210

This item inserts new clause 495.210A in Part 495 (Subclass 495 – Skilled – Independent Regional (Provisional)) of Schedule 2 to the Principal Regulations. New clause 495.210A prescribes as a primary criterion for Subclass 495, that the application must be made before 1 September 2007.

This reflects the amendment made to Item 1218A (Skilled – Independent Regional (Provisional) (Class UX)) of Schedule 1 to the Principal Regulations by item [50] of Schedule 1 to these Regulations, above, which has the effect that no further applications may be made on or after 1 September 2007 by persons seeking to satisfy the primary criteria for the grant of a Subclass 495 (Skilled – Independent Regional (Provisional)) visa. Applications made before that date will continue to be processed under the existing Subclass 495 criteria. From 1 September 2007, Subclass 495 will be replaced by new Subclass 475 (Skilled - Regional Sponsored) and Subclass 487 (Skilled - Regional Sponsored) as new subclasses of the new Skilled (Provisional)

(Class VF) and (Class VC) visa respectively, introduced into the Principal Regulations by these Regulations.

Item [79] – Before clause 496.211

This item inserts new clause 496.210 in Part 496 (Subclass 496 – Skilled - Designated Area-sponsored (Provisional)) of Schedule 2 to the Principal Regulations. New clause 496.210 prescribes as a primary criterion for Subclass 496, that the application must be made before 1 September 2007.

This reflects the amendment made to Item 1226 (Skilled – Designated Area-sponsored (Provisional)(Class UZ)) of Schedule 1 to the Principal Regulations by item [51] of Schedule 1 to these Regulations, above, which has the effect that no further applications may be made on or after 1 September 2007 by persons seeking to satisfy the primary criteria for the grant of a Subclass 496 (Skilled - Designated Area-sponsored (Provisional)) visa. Applications made before that date will continue to be processed under the existing Subclass 496 criteria. From 1 September 2007, Subclass 496 will be replaced by new Subclass 475 (Skilled - Regional Sponsored) as a subclass of the new Skilled (Provisional) (Class VF) visa, introduced into the Principal Regulations by these Regulations.

Item [80] – Before clause 497.211

This item inserts new clause 497.210 in Part 497 (Subclass 497 – Graduate - Skilled) of Schedule 2 to the Principal Regulations. New clause 497.210 prescribes as a primary criterion for Subclass 497, that the application must be made before 1 September 2007.

This reflects the amendment made to Item 1212A (Graduate – Skilled (Temporary)(Class UQ)) of Schedule 1 to the Principal Regulations by item [48] of Schedule 1 to these Regulations, above, which has the effect that no further applications may be made on or after 1 September 2007 by persons seeking to satisfy the primary criteria for the grant of a Subclass 497 (Graduate - Skilled) visa. Applications made before that date will continue to be processed under the existing Subclass 497 criteria. After 1 September 2007, Subclass 497 will be replaced by new Subclass 485 (Skilled - Graduate) as a subclass of the new Skilled (Provisional) (Class VC) visa, introduced into the Principal Regulations by these Regulations.

Item [81] – After subparagraph 572.211(2)(d)(ii)

This item inserts new subparagraph 572.211(2)(d)(ia) in Part 572 (Subclass 572 – Vocational Education and Training Sector) of Schedule 2 to the Principal Regulations. The effect of this amendment is to add new Subclass 485 (Skilled – Graduate) visa, introduced into the Principal Regulations by these Regulations, to the visas that may be held by an applicant who is in Australia seeking to satisfy a primary criterion to be met at the time of application for a Subclass 572 visa.

Item [82] – After sub-subparagraph 572.227(c)(iii)(B)

This item inserts new sub-subparagraph 572.227(c)(iii)(BA) in Part 572 (Subclass 572 – Vocational Education and Training Sector) of Schedule 2 to the Principal Regulations. The effect of this amendment is to add new Subclass 485 (Skilled – Graduate) visa, introduced into the Principal Regulations by these Regulations, to the visas that may be held by an applicant who is in Australia seeking to satisfy a primary criterion to be met at the time of decision for a Subclass 572 visa.

Item [83] – After subparagraph 572.312(2)(d)(ii)

This item inserts new subparagraph 572.312(2)(d)(ia) in Part 572 (Subclass 572 – Vocational Education and Training Sector) of Schedule 2 to the Principal Regulations. The effect of this amendment is to add new Subclass 485 (Skilled – Graduate) visa, introduced into the Principal Regulations by these Regulations, to the visas that may be held by an applicant who is in Australia seeking to satisfy a secondary criterion to be met at the time of application for a Subclass 572 visa.

Item [84] – After subparagraph 573.211(2)(d)(ii)

This item inserts new subparagraph 573.211(2)(d)(ia) in Part 573 (Subclass 573 – Higher Education Sector) of Schedule 2 to the Principal Regulations. The effect of this amendment is to add new Subclass 485 (Skilled – Graduate) visa, introduced into the Principal Regulations by these Regulations, to the visas that may be held by an applicant who is in Australia seeking to satisfy a primary criterion to be met at the time of application for a Subclass 573 visa.

Item [85] – After sub-subparagraph 573.227(c)(iii)(B)

This item inserts new sub-subparagraph 573.227(c)(iii)(BA) in Part 573 (Subclass 573 – Higher Education Sector) of Schedule 2 to the Principal Regulations. The effect of this amendment is to add new Subclass 485 (Skilled – Graduate) visa, introduced into the Principal Regulations by these Regulations, to the visas that may be held by an applicant who is in Australia seeking to satisfy a primary criterion to be met at the time of decision for a Subclass 573 visa.

Item [86] – After subparagraph 573.312(2)(d)(ii)

This item inserts new subparagraph 573.312(2)(d)(ia) in Part 573 (Subclass 573 – Higher Education Sector) of Schedule 2 to the Principal Regulations. The effect of this amendment is to add new Subclass 485 (Skilled – Graduate) visa, introduced into the Principal Regulations by these Regulations, to the visas that may be held by an applicant who is in Australia seeking to satisfy a secondary criterion to be met at the time of application for a Subclass 573 visa.

Item [87] – After subparagraph 574.211(2)(d)(ii)

This item inserts new subparagraph 574.211(2)(d)(ia) in Part 574 (Subclass 574 – Postgraduate Research Sector) of Schedule 2 to the Principal Regulations. The effect of this amendment is to add new Subclass 485 (Skilled – Graduate) visa, introduced into the Principal Regulations by these Regulations, to the visas that may be held by

an applicant who is in Australia seeking to satisfy a primary criterion to be met at the time of application for a Subclass 574 visa.

Item [88] – After sub-subparagraph 574.227(c)(iii)(B)

This item inserts new sub-subparagraph 574.227(c)(iii)(BA) in Part 574 (Subclass 574 – Postgraduate Research Sector) of Schedule 2 to the Principal Regulations. The effect of this amendment is to add new Subclass 485 (Skilled – Graduate) visa, introduced into the Principal Regulations by these Regulations, to the visas that may be held by an applicant who is in Australia seeking to satisfy a primary criterion to be met at the time of decision for a Subclass 574 visa.

Item [89] – After subparagraph 574.312(2)(d)(ii)

This item inserts new subparagraph 574.312(2)(d)(ia) in Part 574 (Subclass 574 – Postgraduate Research Sector) of Schedule 2 to the Principal Regulations. The effect of this amendment is to add new Subclass 485 (Skilled – Graduate) visa, introduced into the Principal Regulations by these Regulations, to the visas that may be held by an applicant who is in Australia seeking to satisfy a secondary criterion to be met at the time of application for a Subclass 574 visa.

Item [90] – Paragraph 773.213(2)(zt)

This item amends paragraph 773.213(2)(zt) of Part 773 (Subclass 773 – Border) of Schedule 2 to the Principal Regulations, by omitting the words ‘(Class CC).’ and inserting ‘(Class CC);’. This amendment facilitates the insertion of new paragraphs 773.213(2)(zu) and 773.213(2)(zv) by item [91] of Schedule 1 to these Regulations, below.

Item [91] – After paragraph 773.213(2)(zt)

This item inserts new paragraphs 773.213(2)(zu) and 773.213(2)(zv) in Part 773 (Subclass 773 – Border) of Schedule 2 to the Principal Regulations. The effect of this amendment is to add new classes Skilled (Residence)(Class VB) and Skilled (Migrant)(Class VE), introduced into the Principal Regulations by these Regulations, to the visas that may be held by a person of whom the applicant is a dependent child who is in Australia seeking to satisfy the criteria to be met at the time of application for a Subclass 773 visa.

Item [92] – Paragraph 773.213(3)(p)

This item amends paragraph 773.213(3)(p) of Part 773 (Subclass 773 – Border) of Schedule 2 to the Principal Regulations, by omitting the words ‘(Class UX).’ and inserting ‘(Class UX);’. This amendment facilitates the insertion of new paragraphs 773.213(3)(q) and 773.213(3)(r) by item [93] of Schedule 1 to these Regulations, below.

Item [93] – After paragraph 773.213(3)(p)

This item inserts new paragraphs 773.213(3)(q) and 773.213(3)(r) in Part 773 (Subclass 773 – Border) of Schedule 2 to the Principal Regulations. The effect of this amendment is to add new classes Skilled (Provisional)(Class VC) and Skilled (Provisional)(Class VF), introduced into the Principal Regulations by these Regulations, to the visas that may be held by a person of whom the applicant is a dependent child who is in Australia seeking to satisfy the criteria to be met at the time of application for a Subclass 773 visa; or that may have been held by an applicant immediately before last departing Australia and is now in Australia seeking to satisfy the time of application criteria for a Subclass 773 visa.

Item [94] – Clause 820.212

This item substitutes clause 820.212 of Part 820 (Subclass 820 – Spouse) of Schedule 2 to the Principal Regulations with new clause 820.212. The effect of new clause 820.212 is to add references to new Subclass 475 (Skilled – Regional Sponsored) and Subclass 487 (Skilled – Regional Sponsored) visas, introduced into the Principal Regulations by these Regulations, to the visas of which the conditions must have been substantially complied with by an applicant seeking to satisfy a primary criterion to be met at the time of application for a Subclass 820 visa, if the applicant held one of those visas at the time of applying for a Subclass 820 visa or if the applicant’s last substantive visa was one of those visas.

Item [95] – Clause 855.111, after note 3

This item inserts new note 3A in Part 855 (Subclass 855 – Labour Agreement) of Schedule 2 to the Principal Regulations. The effect of this amendment is to provide that for the purposes of Subclass 855, the term *competent English* is defined to have the meaning given by new regulation 1.15C inserted in the Principal Regulations by item [14] of Schedule 1 to these Regulations.

Item [96] – Paragraph 855.212(4)(d)

This item amends paragraph 855.212(4)(d) of Part 855 (Subclass 855 – Labour Agreement) of Schedule 2 to the Principal Regulations, by omitting the word ‘visa.’ and inserting ‘visa; or’. This amendment facilitates the insertion of new paragraphs 855.212(4)(e) and 855.212(4)(f) by item [97] of Schedule 1 to these Regulations, below.

Item [97] – After paragraph 855.212(4)(d)

This item inserts new paragraphs 855.212(4)(e) and 855.212(4)(f) in Part 855 (Subclass 855 – Labour Agreement) of Schedule 2 to the Principal Regulations. The effect of this amendment is to add new Subclass 476 (Skilled – Recognised Graduate) and Subclass 485 (Skilled – Graduate) visas, introduced into the Principal Regulations by these Regulations, to the qualifying visas that may be held by an applicant seeking to satisfy a primary criterion to be met at the time of application for a Subclass 855 visa.

Item [98] – Paragraph 855.213(2)(c)

This item substitutes paragraph 855.213(2)(c) in Part 855 (Subclass 855 – Labour Agreement) of Schedule 2 to the Principal Regulations, with new paragraph 855.213(2)(c).

New paragraph 855.213(2)(c) provides that an applicant referred to in new subparagraph 1121A(2)(a)(ii) or (iii), inserted in the Principal Regulations by item [36] of Schedule 1 to these Regulations, above, may satisfy the relevant criterion in Subclass 885 by either being aged less than 45 at the time of applying for a Labour Agreement (Residence)(Class BV) and being aged less than 45 at the time the applied for Skilled (Residence)(Class VB) or Skilled (Residence)(Class VE) visa – in either case, unless exceptional circumstances apply. New subparagraphs 1121A(2)(a)(ii) and (iii) refer to applicants for visas of Class VB and VE, respectively, who apply for a Class BV visa before that application is decided on the basis of being nominated to work in Australia under an employer nomination..

Item [99] – Paragraph 855.213(4)(c)

This item substitutes paragraph 855.213(4)(c) in Part 855 (Subclass 855 – Labour Agreement) of Schedule 2 to the Principal Regulations, with new paragraph 855.213(4)(c).

New paragraph 855.213(4)(c) provides that an applicant referred to in new subparagraph 1121A(2)(a)(ii) or (iii), inserted in Schedule 1 to the Principal Regulations by item [36] of Schedule 1 to these Regulations, above, may satisfy the relevant criterion in Subclass 885 by either being aged less than 45 at the time of applying for a Labour Agreement (Residence)(Class BV) and being aged less than 45 at the time the applied for Skilled (Residence)(Class VB) or Skilled (Residence)(Class VE) visa – in either case, unless exceptional circumstances apply. New subparagraphs 1121A(2)(a)(ii) and (iii) refer to applicants for visas of Class VB and VE, respectively, who apply for a Class BV visa before that application is decided on the basis of being nominated to work in Australia in accordance with an IASS agreement.

Item [100] – After clause 855.213

This item inserts new clause 855.214 in Part 855 (Subclass 855 – Labour Agreement) of Schedule 2 to the Principal Regulations. New clause 855.214 provides that an applicant for a Subclass 855 visa who is mentioned in new subparagraph 1121A(2)(a)(ii) or (iii), inserted in Schedule 1 to the Principal Regulations by item [36] of Schedule 1 to these Regulations, above, must have competent English and must have a diploma (within the meaning of subregulation 2.26A(6)) or higher qualification. ‘Competent English’ is defined in new regulation 1.15C, inserted in the Principal Regulations by item [14] of Schedule 1 to these Regulations.

New subparagraphs 1121A(2)(a)(ii) and (iii) refer to applicants for visas of Class VB and VE, respectively, who apply for a Class BV visa before that application is decided on the basis of being nominated to work in Australia in accordance with a labour agreement or an IASS agreement. The effect of this amendment is that these applicants are required to have English language skills for grant a Class BV visa, as

they would have been required to have for grant of the Class VB or VE visa originally applied for.

Item [101] – Clause 856.111, note

This item substitutes the note after clause 856.111 in Part 856 (Subclass 856 – Employer Nomination Scheme) of Schedule 2 to the Principal Regulations, with new notes 1 – 7. The effect of this amendment is to direct the reader to the meanings of the terms *approved appointment* (regulation 5.19) and *competent English* (regulation 1.15C), in addition to the terms *award course*, *category A course*, *category B student*, *diploma* and *vocational English*, which were covered by the original note.

Item [102] – Subparagraph 856.212(4)(a)(ix)

This item amends subparagraph 856.212(4)(a)(ix) of Part 856 (Subclass 856 – Employer Nomination Scheme) of Schedule 2 to the Principal Regulations, by omitting the words ‘(Class UP); or’ and inserting ‘(Class UP);’. This amendment facilitates the insertion of new subparagraphs 856.212(4)(a)(x), 856.212(4)(a)(xi) and 856.212(4)(a)(xii) by item [103] of Schedule 1 to these Regulations, below.

Item [103] – After subparagraph 856.212(4)(a)(ix)

This item inserts new subparagraphs 856.212(4)(a)(x), 856.212(4)(a)(xi) and 856.212(4)(a)(xii) in Part 856 (Subclass 856 – Employer Nomination Scheme) of Schedule 2 to the Principal Regulations. The effect of this amendment is to add the Skilled Independent Regional (Provisional)(Class UX) visa and new Skilled (Provisional)(Class VC) and Skilled (Provisional)(Class VF) to the visas, introduced into the Principal Regulations by these Regulations, to the qualifying visas that may be held by an applicant seeking to satisfy a primary criterion to be met at the time of application for a Subclass 856 visa.

Item [104] – Paragraph 856.213(c)

This item substitutes paragraph 856.213(c) in Part 856 (Subclass 856 – Employer Nomination Scheme) of Schedule 2 to the Principal Regulations, with new paragraph 856.213(c).

New subparagraph 856.213(c)(i) provides that at the time of application, an applicant for a Subclass 856 visa who is mentioned in new subparagraph 1114A(2)(a)(ii) or (iii) of Schedule 1 to the Principal Regulations must be aged less than 45 years at the time of application for a Skilled (Migrant)(Class VE) visa, must have competent English (see definition in new regulation 1.15C, inserted in the Principal Regulations by item [14] of Schedule 1 these Regulations, above), and, must have a diploma (within the meaning of subregulation 2.26A(6) of the Principal Regulations) or higher qualification that, unless the appointment is exceptional, is relevant to the appointment.

New subparagraphs 1114A(2)(a)(ii) and (iii) are inserted in Schedule 1 to the Principal Regulations by item [30] of Schedule 1 to these Regulations, above, and refer to a person who applies for an Employer Nomination (Residence)(Class BW) visa while holding a Skilled – Independent Regional (Provisional)(Class UX) visa, a

Subclass 475 (Skilled – Regional Sponsored) visa, or a Subclass 487 (Skilled – Regional Sponsored) visa; or who has made a valid application for a new Skilled (Migrant)(Class VE) visa, introduced into the Principal Regulations by these Regulations, and that application has not yet been granted or refused.

The purpose of this amendment is to ensure that a person who applies for a Subclass 856 visa while a holder of, or an applicant for, a relevant visa must meet the same requirements relating to age, English language ability and qualifications for grant of a Subclass 856 visa as would have been required for grant of a General Skilled Migration visa.

New subparagraph 856.213(c)(ii) continues the requirement of the previous paragraph 856.213(c) that applicants for a Subclass 856 visa who do not come within new subparagraph 856.213(c)(i) must be less than 45 and must have vocational English.

Item [105] – Paragraph 856.223(a)

This item substitutes paragraph 856.223(a) of Part 856 (Subclass 856 – Employer Nomination Scheme) of Schedule 2 to the Principal Regulations with new paragraph 856.223(a). The effect of this amendment is to provide that if, at the time of application, an applicant held a Skilled – Independent Regional (Provisional)(Class UX) visa, a new Subclass 475 (Skilled – Regional Sponsored), or a new Subclass 487 (Skilled – Regional Sponsored) visas, introduced into the Principal Regulations by these Regulations, or if the applicant resides or proposes to reside in a participating State or Territory, the applicant must satisfy Public Interest Criterion 4007, which relates to medical requirements.

Item [106] – Paragraph 856.225(1)(a)

This item substitutes paragraph 856.225(1)(a) of Part 856 (Subclass 856 – Employer Nomination Scheme) of Schedule 2 to the Principal Regulations with new paragraph 856.225(1)(a). The effect of this amendment is to provide that if, at the time of application, a member of the family unit of an applicant seeking to satisfy the primary criteria and who is also an applicant for a Subclass 856 visa, held a Skilled – Independent Regional (Provisional)(Class UX) visa, a new Subclass 475 (Skilled – Regional Sponsored), or a new Subclass 487 (Skilled – Regional Sponsored) visas, introduced into the Principal Regulations by these Regulations, or if the applicant resides or proposes to reside in a participating State or Territory, the member of the family unit must satisfy Public Interest Criterion 4007, which relates to medical requirements.

Item [107] – Subparagraph 856.225(2)(b)(i)

This item substitutes subparagraph 856.225(2)(b)(i) of Part 856 (Subclass 856 – Employer Nomination Scheme) of Schedule 2 to the Principal Regulations, with new subparagraph 856.225(2)(b)(i).

New subparagraph 856.225(2)(b)(i) provides that if, at the time of application, a member of the family unit of an applicant seeking to satisfy the primary criteria and the member of the family unit is not an applicant for a Subclass 856 visa, held a

Skilled – Independent Regional (Provisional)(Class UX) visa, a new Subclass 475 (Skilled – Regional Sponsored), or a new Subclass 487 (Skilled – Regional Sponsored) visas, introduced into the Principal Regulations by these Regulations, or if the applicant resides or proposes to reside in a participating State or Territory, the member of the family unit must satisfy Public Interest Criterion 4007, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion. Public Interest Criterion 4007 relates to medical requirements. The effect of this amendment is that under certain circumstances, the Minister has the discretion not to require certain applicants to undergo medical checks.

Item [108] – Paragraph 856.322(a)

This item substitutes paragraph 856.322(a) of Part 856 (Subclass 856 – Employer Nomination Scheme) of Schedule 2 to the Principal Regulations with new paragraph 856.322(a).

New paragraph 856.322(a) provides that if, at the time of application, an applicant seeking to satisfy the secondary criteria held a Skilled – Independent Regional (Provisional)(Class UX) visa, a new Subclass 475 (Skilled – Regional Sponsored), or a new Subclass 487 (Skilled – Regional Sponsored) visa, introduced into the Principal Regulations by these Regulations, or if the applicant resides or proposes to reside in a participating State or Territory, the applicant must satisfy Public Interest Criterion 4007, which relates to medical requirements.

Item [109] – Clause 857.111, after note 4

This item inserts new note 4A in clause 857.111 of Part 857 (Subclass 857 – Regional Sponsored Migration Scheme) of Schedule 2 to the Principal Regulations. The new note advises the reader that the meaning of the term *competent English* is given in new regulation 1.15C, inserted in the Principal Regulations by item [14] of Schedule 1 to these Regulations, above.

Item [110] – Subparagraph 857.212(4)(a)(x)

This item amends subparagraph 857.212(4)(a)(x) of Part 857 (Subclass 857 – Regional Sponsored Migration Scheme) of Schedule 2 to the Principal Regulations, by omitting the words ‘(Class UP); or’ and inserting ‘(Class UP);’. This amendment facilitates the insertion of new subparagraphs 857.212(4)(a)(xi) and 857.212(4)(a)(xii) by item [111] of these Regulations, below.

Item [111] – After subparagraph 857.212(4)(a)(x)

This item inserts new subparagraphs 857.212(4)(a)(xi) and 857.212(4)(a)(xii) in Part 857 (Subclass 857 – Regional Sponsored Migration Scheme) of Schedule 2 to the Principal Regulations. The effect of this amendment is to add new classes Skilled (Provisional)(Class VC) and Skilled (Provisional)(Class VF), introduced into the Principal Regulations by these Regulations, to the visas that may be held by an applicant seeking to satisfy a primary criterion to be met at the time of application for a Subclass 857 visa.

Item [112] – After subparagraph 857.213(b)(i)

This item inserts new subparagraph 857.213(b)(ia) in Part 857 (Subclass 857 – Regional Sponsored Migration Scheme) of Schedule 2 to the Principal Regulations.

New subparagraph 857.213(b)(ia) provides that at the time of application, an applicant for a Subclass 857 visa who is mentioned in new subparagraph 1114A(2)(a)(ii) or (iii) of Schedule 1 to the Principal Regulations must be aged less than 45 years at the time of application for a Skilled (Migrant)(Class VE) visa, must have competent English (see definition in new regulation 1.15C, inserted in the Principal Regulations by item [14] of Schedule 1 these Regulations, above), and, must have a diploma (within the meaning of subregulation 2.26A(6) of the Principal Regulations) or higher qualification that, unless the appointment is exceptional, is relevant to the appointment.

New subparagraphs 1114A(2)(a)(ii) and (iii) are inserted in Schedule 1 to the Principal Regulations by item [30] of Schedule 1 to these Regulations, above, and refer to a person who applies for an Employer Nomination (Residence)(Class BW) visa while holding a Skilled – Independent Regional (Provisional)(Class UX) visa, a Subclass 475 (Skilled – Regional Sponsored) visa, or a Subclass 487 (Skilled – Regional Sponsored) visa; or who has made a valid application for a new Skilled (Migrant)(Class VE) visa, introduced into the Principal Regulations by these Regulations, and that application has not yet been granted or refused.

The purpose of this amendment is to ensure that a person who applies for a Subclass 857 visa while a holder of, or an applicant for, a relevant visa must meet the same requirements relating to age, English language ability and qualifications for grant of a Subclass 857 visa as would have been required for grant of a General Skilled Migration visa.

Item [113] – Clauses 857.215 and 857.215A

This item omits clauses 857.215 and 857.215A from Part 857 (Subclass 857 – Regional Sponsored Migration Scheme) of Schedule 2 to the Principal Regulations.

These clauses are being omitted because it is no longer intended to require the holder of a Skilled – Independent Regional (Provisional)(Class UX) visa to have lived for two years and worked for one year in a regional area of Australia as the holder of that visa before being eligible for a permanent sponsored visa. Because the Subclass 857 is a regional visa, it is consistent with the government's commitment to regional Australia to allow unrestricted movement from a Skilled – Independent Regional (Provisional)(Class UX) visa to a Subclass 857 visa.

Item [114] – Clause 857.216

This item substitutes clause 857.216 of Part 857 (Subclass 857 – Regional Sponsored Migration Scheme) of Schedule 2 to the Principal Regulations with new clause 857.216. The effect of new clause 857.216 is to add references to new Subclass 475 (Skilled – Regional Sponsored) and Subclass 487 (Skilled – Regional Sponsored)

visas, introduced into the Principal Regulations by these Regulations, to the visas of which the conditions must have been substantially complied with by an applicant seeking to satisfy a primary criterion to be met at the time of application for a Subclass 857 visa, if the applicant held one of those visas at the time of applying for a Subclass 857 visa or if the applicant's last substantive visa was one of those visas.

Item [115] – Paragraph 857.223(a)

This item substitutes paragraph 857.223(a) of Part 857 (Subclass 857 – Regional Sponsored Migration Scheme) of Schedule 2 to the Principal Regulations with new paragraph 857.223(a).

New paragraph 857.223(a) provides that if, at the time of application, an applicant seeking to satisfy the primary criteria held a Skilled – Independent Regional (Provisional)(Class UX) visa, a new Subclass 475 (Skilled – Regional Sponsored), or a new Subclass 487 (Skilled – Regional Sponsored) visas, introduced into the Principal Regulations by these Regulations, or if the applicant resides or proposes to reside in a participating State or Territory, the applicant must satisfy Public Interest Criterion 4007, which relates to medical requirements.

Item [116] – Paragraph 857.225(1)(a)

This item substitutes paragraph 857.225(1)(a) of Part 857 (Subclass 857 – Regional Sponsored Migration Scheme) of Schedule 2 to the Principal Regulations with new paragraph 857.225(1)(a).

New paragraph 857.225(1)(a) provides that if, at the time of application, a member of the family unit of an applicant seeking to satisfy the primary criteria where the member of the family unit is also an applicant for a Subclass 857 visa, held a Skilled – Independent Regional (Provisional)(Class UX) visa, a new Subclass 475 (Skilled – Regional Sponsored), or a new Subclass 487 (Skilled – Regional Sponsored) visas, introduced into the Principal Regulations by these Regulations, or if the applicant resides or proposes to reside in a participating State or Territory, the members of the family unit must satisfy Public Interest Criterion 4007, which relates to medical requirements.

Item [117] – Sub-subparagraph 857.225(2)(b)(i)(B)

This item substitutes sub-subparagraph 857.225(2)(b)(i)(B) of Part 857 (Subclass 857 – Regional Sponsored Migration Scheme) of Schedule 2 to the Principal Regulations with new sub-subparagraph 857.225(2)(b)(i)(B).

The effect of new sub-subparagraph 857.225(2)(b)(i)(B) is that if, at the time of application, a member of the family unit of an applicant seeking to satisfy the primary criteria and the member of the family unit is also an applicant for a Subclass 857 visa, held a Skilled – Independent Regional (Provisional)(Class UX) visa, a new Subclass 475 (Skilled – Regional Sponsored), or a new Subclass 487 (Skilled – Regional Sponsored) visas, introduced into the Principal Regulations by these Regulations, the member of the family unit must satisfy Public Interest Criterion 4007, unless the Minister is satisfied that it would be unreasonable to require the person to undergo

assessment in relation to that criterion. Public Interest Criterion 4007 relates to medical requirements. The effect of this amendment is that under certain circumstances, the Minister has the discretion not to require certain applicants to undergo medical checks.

Item [118] – Clause 857.314

This item substitutes clause 857.314 of Part 857 (Subclass 857 – Regional Sponsored Migration Scheme) of Schedule 2 to the Principal Regulations with new clause 857.314. The effect of new clause 857.314 is to add references to new Subclass 475 (Skilled – Regional Sponsored) and Subclass 487 (Skilled – Regional Sponsored) visas, introduced into the Principal Regulations by these Regulations, to the visas of which the conditions must have been substantially complied with by an applicant seeking to satisfy a secondary criterion to be met at the time of application for a Subclass 857 visa, if the applicant held one of those visas at the time of applying for a Subclass 857 visa or if the applicant’s last substantive visa was one of those visas.

Item [119] – Subparagraph 857.322(a)(ii)

This item substitutes subparagraph 857.322(a)(ii) of Part 857 (Subclass 857 – Regional Sponsored Migration Scheme) of Schedule 2 to the Principal Regulations with new subparagraph 857.322(a)(ii).

The effect of new subparagraph 857.322(a)(ii) is to provide that if, at the time of application, an applicant seeking to satisfy the secondary criteria held a Skilled – Independent Regional (Provisional)(Class UX) visa, a new Subclass 475 (Skilled – Regional Sponsored), or a new Subclass 487 (Skilled – Regional Sponsored) visas, introduced into the Principal Regulations by these Regulations, or if the applicant resides or proposes to reside in a participating State or Territory, the applicant must satisfy Public Interest Criterion 4007, which relates to medical requirements.

Item [120] – Before clause 861.212

This item inserts new clause 861.210 in Part 861 (Subclass 861 – Skilled – Onshore Independent New Zealand Citizen) of Schedule 2 to the Principal Regulations. New clause 861.210 prescribes as a primary criterion for Subclass 861, that the application must be made before 1 September 2007.

New clause 861.210 reflects the amendment made to Item 1128D (Skilled – New Zealand Citizen (Residence)(Class DB)) of Schedule 1 to the Principal Regulations by item [45] of Schedule 1 to these Regulations, above, which has the effect that no further applications may be made on or after 1 September 2007 by persons seeking to satisfy the primary criteria for the grant of a Subclass 861 (Skilled – Onshore Independent New Zealand Citizen) visa. Applications made before that date will continue to be processed under the existing Subclass 861 criteria. After 1 September 2007, Subclass 861 will be replaced by new Subclass 175 (Skilled – Independent) as a new subclass of the new Skilled (Migrant) (Class VE) visa, introduced into the Principal Regulations by these Regulations.

Item [121] – Before clause 862.211

This item inserts new clause 862.210 in Part 862 (Subclass 862 – Skilled – Onshore Australian-sponsored New Zealand Citizen) of Schedule 2 to the Principal Regulations. New clause 862.210 prescribes as a primary criterion for Subclass 862, that the application must be made before 1 September 2007.

New clause 862.210 reflects the amendment made to Item 1128D (Skilled – New Zealand Citizen (Residence)(Class DB)) of Schedule 1 to the Principal Regulations by item [45] of Schedule 1 to these Regulations, above, which has the effect that no further applications may be made on or after 1 September 2007 by persons seeking to satisfy the primary criteria for the grant of a Subclass 862 (Skilled – Onshore Australian-sponsored New Zealand Citizen) visa. Applications made before that date will continue to be processed under the existing Subclass 862 criteria. After 1 September 2007, Subclass 862 will be replaced by new Subclass 176 (Skilled – Sponsored) as a new subclass of the new Skilled (Migrant) (Class VE) visa, introduced into the Principal Regulations by these Regulations.

Item [122] – Before clause 863.211

This item inserts new clause 863.210 in Part 863 (Subclass 863 – Skilled – Onshore Designated Area-sponsored New Zealand Citizen) of Schedule 2 to the Principal Regulations. New clause 863.210 prescribes as a primary criterion for Subclass 863, that the application must be made before 1 September 2007.

New clause 863.210 reflects the amendment made to Item 1128D (Skilled – New Zealand Citizen (Residence)(Class DB)) of Schedule 1 to the Principal Regulations by item [45] of Schedule 1 to these Regulations, above, which has the effect that no further applications may be made on or after 1 September 2007 by persons seeking to satisfy the primary criteria for the grant of a Subclass 863 (Skilled – Onshore Designated Area-sponsored New Zealand Citizen) visa. Applications made before that date will continue to be processed under the existing Subclass 863 criteria. After 1 September 2007, Subclass 863 will be replaced by new Subclass 475 (Skilled – Regional Sponsored) as a new subclass of the new Skilled (Provisional) (Class VF) visa, introduced into the Principal Regulations by these Regulations.

Item [123] – Before clause 880.211

This item inserts new clause 880.210 in Part 880 (Subclass 880 – Skilled – Independent Overseas Student) of Schedule 2 to the Principal Regulations. New clause 880.210 prescribes as a primary criterion for Subclass 880, that the application must be made before 1 September 2007.

New clause 880.210 reflects the amendment made to Item 1128CA (Skilled – Independent Overseas Student (Residence)(Class DD)) of Schedule 1 to the Principal Regulations by item [44] of Schedule 1 to these Regulations, above, which has the effect that no further applications may be made on or after 1 September 2007 by persons seeking to satisfy the primary criteria for the grant of a Subclass 880 (Skilled – Independent Overseas Student) visa. Applications made before that date will continue to be processed under the existing Subclass 880 criteria. After 1 September 2007, Subclass 880 will be replaced by new Subclass 885 (Skilled – Independent) as a

new subclass of the new Skilled (Residence) (Class VB) visa, introduced into the Principal Regulations by these Regulations.

Item [124] – Before clause 881.211

This item inserts new clause 881.210 in Part 881 (Subclass 881 – Skilled – Australian-sponsored Overseas Student) of Schedule 2 to the Principal Regulations. New clause 881.210 prescribes as a primary criterion for Subclass 881, that the application must be made before 1 September 2007.

New clause 881.210 reflects the amendment made to Item 1128BA (Skilled – Australian-sponsored Overseas Student (Residence)(Class DE)) of Schedule 1 to the Principal Regulations by item [42] of Schedule 1 to these Regulations, above, which has the effect that no further applications may be made on or after 1 September 2007 by persons seeking to satisfy the primary criteria for the grant of a Subclass 881 (Skilled – Australian-sponsored Overseas Student) visa. Applications made before that date will continue to be processed under the existing Subclass 881 criteria. After 1 September 2007, Subclass 881 will be replaced by new Subclass 886 (Skilled – Sponsored) as a new subclass of the new Skilled (Residence) (Class VB) visa, introduced into the Principal Regulations by these Regulations.

Item [125] – Before clause 882.211

This item inserts new clause 882.210 in Part 882 (Subclass 882 – Skilled – Designated Area-sponsored Overseas Student) of Schedule 2 to the Principal Regulations. New clause 882.210 prescribes as a primary criterion for Subclass 882, that the application must be made before 1 September 2007.

New clause 882.210 reflects the amendment made to Item 1128BA (Skilled – Australian-sponsored Overseas Student (Residence)(Class DE)) of Schedule 1 to the Principal Regulations by item [42] of Schedule 1 to these Regulations, above, which has the effect that no further applications may be made on or after 1 September 2007 by persons seeking to satisfy the primary criteria for the grant of a Subclass 882 (Skilled – Designated Area-sponsored Overseas Student) visa. Applications made before that date will continue to be processed under the existing Subclass 882 criteria. After 1 September 2007, Subclass 882 will be replaced by new Subclass 487 (Skilled – Regional Sponsored) as a new subclass of the new Skilled (Provisional) (Class VC) visa, introduced into the Principal Regulations by these Regulations.

Item [126] – Before clause 883.211

This item inserts new clause 883.210 in Part 883 (Subclass 883 – Skilled – Designated Area-sponsored (Residence)) of Schedule 2 to the Principal Regulations. New clause 883.210 prescribes as a primary criterion for Subclass 883, that the application must be made before 1 September 2007.

New clause 883.210 reflects the amendment made to Item 1134 (Skilled – Designated Area-sponsored (Residence)(Class CC)) of Schedule 1 to the Principal Regulations by item [46] of Schedule 1 to these Regulations, above, which has the effect that no further applications may be made on or after 1 September 2007 by persons seeking to

satisfy the primary criteria for the grant of a Subclass 883 (Skilled – Designated Area-sponsored (Residence)) visa. Applications made before that date will continue to be processed under the existing Subclass 883 criteria. After 1 September 2007, Subclass 883 will be replaced by new Subclass 887 (Skilled – Regional) as a new subclass of the new Skilled (Residence) (Class VB) visa, introduced into the Principal Regulations by these Regulations.

Item [127] – After Part 884

This item inserts three new Parts in Schedule 2 to the Principal Regulations. These are:

- new Part 885 (Subclass 885 – Skilled – Independent);
- new Part 886 (Subclass 886 – Skilled – Sponsored); and
- new Part 887 (Subclass 887 – Skilled – Regional).

New Subclasses 885, 886 and 887 are subclasses of new Skilled (Residence)(Class VB), inserted in Schedule 1 to the Principal Regulations as new Item 1136 by item [47] of Schedule 1 to these Regulations, above. Following are details of the new subclasses.

Subclass 885 – Skilled – Independent

Subclass 885 is a permanent visa that from 1 September 2007 replaces Subclass 880 (Skilled – Independent Overseas Student), for which amendments made by these Regulations prevent further applications by persons seeking to satisfy the primary criteria on or after 1 September 2007.

The eligibility criteria for Subclass 885 require applicants seeking to satisfy the primary criteria to have recently completed studies in Australia, to achieve a specified qualifying score on a points assessment under new Schedule 6B (inserted in the Principal Regulations by Part 4 of these Regulations, below), and to have strong English language skills, and other characteristics that suggest the applicant would be able to settle and find employment in Australia.

Subclass 885 is an onshore visa, that is, applicants must be in Australia when the visa is granted.

Details of the provisions of new Part 885 (Subclass 885) are:

Division 885.1 – Interpretation: This Division sets out the meanings of certain terms used in Subclass 885.

Division 885.2 – Primary criteria: This Division sets out the criteria to be satisfied by a person seeking to satisfy the primary criteria for the grant of a Subclass 885 visa. It has two subdivisions:

- *Subdivision 885.21 – Criteria to be satisfied at time of application:* These criteria relate to visas the applicant has already held in Australia, and the qualifications obtained while holding those visas. Applicants must have either nominated an occupation in ASCO Major Group IV and have vocational

English, or have competent English (for the meanings of the terms ‘vocational English’ and ‘competent English’, please see new subregulation 1.15B(5) and new regulation 1.15C, respectively, inserted in the Principal Regulations by items [13] and [14] of Schedule 1 to these Regulations, above). Applicants must have arranged a skills assessment for their nominated occupation, and must provide evidence relating to arrangements for character and medical checks.

- *Subdivision 885.22 – Criteria to be satisfied at time of decision:* These criteria require the applicant to receive the qualifying score (as specified by the Minister in an instrument in writing for Subclass 885) under the points test, and also require the applicant to have a suitable skills assessment, satisfy certain public interest criteria, special return criteria, and other requirements as prescribed.

Division 885.3 – Secondary criteria: This Division sets out the requirements to be met by an applicant who is seeking a Subclass 885 visa on the basis of a relationship to a person who satisfies the primary criteria. The relationship may be as a member of the family unit, an interdependent partner, or the dependent child of an interdependent partner, of the person who satisfies the primary criteria.

Division 885.4 – Circumstances applicable to grant: This Division requires that applicants must be in Australia at the time the visa is granted.

Division 885.5 – When visa is in effect: This Division provides that a Subclass 885 visa is a permanent visa permitting the holder to travel to and enter Australia for five years from the date of grant.

Division 885.6 – Conditions: There are no conditions on a Subclass 885 visa.

Division 885.7 – Way of giving evidence: This Division provides that no evidence needs to be given of grant of a Subclass 885 visa. If evidence is given, it is to be given by way of a label affixed to a valid passport.

Subclass 886 – Skilled – Sponsored

Subclass 886 is a permanent visa that from 1 September 2007 replaces Subclass 881 (Skilled – Australian-sponsored Overseas Student), for which amendments made by these Regulations prevent further applications by persons seeking to satisfy the primary criteria on or after 1 September 2007.

Subclass 886 provides a permanent visa for applicants who have recently completed studies in Australia, have strong English language skills and other characteristics that will enable them to settle and find employment in Australia, and are able to attain the relevant qualifying score on a points test. Applicants must also have the support of a specified Australian relative sponsor, or be nominated by a State or Territory government.

Subclass 886 is an onshore visa, that is, applicants must be in Australia when the visa is granted.

Details of the provisions of new Part 886 (Subclass 886) are:

Division 886.1 – Interpretation: This Division sets out the meanings of certain terms used in Subclass 886.

Division 886.2 – Primary criteria: This Division sets out the criteria to be satisfied by a person seeking to satisfy the primary criteria for the grant of a Subclass 886 visa. It has two subdivisions:

- *Subdivision 886.21 – Criteria to be satisfied at time of application:* These criteria relate to visas the applicant has already held in Australia, and the qualifications obtained while holding those visas. Applicants must have either nominated an occupation in ASCO Major Group IV and have vocational English, or have competent English (for the meanings of the terms ‘vocational English’ and ‘competent English’, please see new subregulation 1.15B(5) and new regulation 1.15C, respectively, inserted in the Principal Regulations by items [13] and [14] of Schedule 1 to these Regulations, above). Applicants must have arranged a skills assessment for their nominated occupation, must provide evidence relating to arrangements for character and medical checks.
- *Subdivision 886.22 – Criteria to be satisfied at time of decision:* These criteria require the applicant to receive the qualifying score (as specified by the Minister in an instrument in writing for Subclass 886) under the points test. In addition, at the time of decision the applicant must either be nominated by a State or Territory government agency or sponsored by a specified Australian relative, and the Minister must have accepted that nomination or sponsorship (as relevant). At the time of decision applicants are also required to have a suitable skills assessment, and to satisfy certain public interest criteria, special return criteria, and other requirements as prescribed.

Division 886.3 – Secondary criteria: This Division sets out the requirements to be met by an applicant who is seeking a Subclass 886 visa on the basis of a relationship to a person who satisfies the primary criteria. The relationship may be as a member of the family unit, an interdependent partner, or the dependent child of an interdependent partner, of the person who satisfies the primary criteria.

Division 886.4 – Circumstances applicable to grant: This Division requires an applicant to be in Australia at the time a Subclass 886 visa is granted.

Division 886.5 – When visa is in effect: This Division provides that a Subclass 886 is a permanent visa permitting the holder to travel to and enter Australia for five years from the date of grant.

Division 886.6 – Conditions: There are no conditions on a Subclass 886 visa.

Division 886.7 – Way of giving evidence: This Division provides that no evidence needs to be given of grant of a Subclass 886 visa. If evidence is given, it is to be given by way of a label affixed to a valid passport.

Subclass 887 – Skilled - Regional

Subclass 887 is a permanent visa that from 1 September 2007 replaces Subclass 137 (State/Territory - nominated Independent) and Subclass 883 (Skilled – Designated Area-sponsored (Residence)), for which amendments made by these Regulations prevent further applications by persons seeking to satisfy the primary criteria on or after 1 September 2007.

Subclass 887 provides a permanent visa for applicants who have held a temporary (provisional) General Skilled Migration visa for two years or more and by complying with the conditions of that visa, have demonstrated a commitment to living and working in regional Australia.

Subclass 887 is an onshore visa, that is, applicants must be in Australia when the visa is granted.

Details of the provisions of new Part 887 (Subclass 887) are:

Division 887.1 – Interpretation: This Division sets out the meaning of the term ‘specified regional area’ as used in Subclass 887. The term may have a different meaning, depending on the condition on the provisional visa held by the applicant seeking to satisfy the primary criteria for the grant of a subclass 887 visa.

Division 887.2 – Primary criteria: This Division sets out the criteria to be satisfied by a person seeking to satisfy the primary criteria for the grant of a Subclass 887 visa. It has two subdivisions:

- *Subdivision 887.21 – Criteria to be satisfied at time of application:* At the time of application the applicant must be the holder of a provisional General Skilled Migration visa and must have lived in a specified regional area as the holder of one or more provisional General Skilled Migration visas. The applicant must also have worked full time in a specified regional area for at least one year as the holder of one or more provisional General Skilled Migration visas.
- *Subdivision 887.22 – Criteria to be satisfied at time of decision:* the applicant must have complied with the conditions of his or her provisional General Skilled Migration visa, and must satisfy certain public interest criteria, special return criteria, and other requirements as prescribed.

Division 887.3 – Secondary criteria: This Division sets out the requirements to be met by an applicant who is seeking a Subclass 887 visa on the basis of a relationship to a person who satisfies the primary criteria. The relationship may be as a member of the family unit, an interdependent partner, or the dependent child of an interdependent partner, of the person who satisfies the primary criteria.

Division 887.4 – Circumstances applicable to grant: This Division requires an applicant to be in Australia at the time a Subclass 887 visa is granted.

Division 887.5 – When visa is in effect: This Division provides that a Subclass 887 is a permanent visa permitting the holder to travel to and enter Australia for five years from the date of grant.

Division 887.6 – Conditions: There are no conditions on a Subclass 887 visa.

Division 887.7 – Way of giving evidence: This Division provides that no evidence needs to be given of grant of a Subclass 887 visa. If evidence is given, it is to be given by way of a label affixed to a valid passport.

Part 4 – Amendments relating to other Schedules

Item [128] – After Schedule 6A

This item inserts new Schedule 6B - General points test – qualifications and points (General Skilled Migration visas) - to the Principal Regulations.

New Schedule 6B is inserted in the Principal Regulations pursuant to new regulation 2.26AA, inserted in Part 2 of the Principal Regulations by item [26] of Schedule 1 to these Regulations, above.

It is a prescribed criterion for a number of new General Skilled Migration visas inserted in the Principal Regulations by these Regulations, that an applicant seeking to satisfy the primary criteria must receive the qualifying score when assessed under Subdivision B of Division 3 of Part 2 of the *Migration Act 1958* ('the Act'). These visas are:

- Subclass 175 (Skilled – Independent);
- Subclass 176 (Skilled – Sponsored);
- Subclass 475 (Skilled – Regional Sponsored);
- Subclass 487 (Skilled – Regional Sponsored);
- Subclass 885 (Skilled – Independent); and
- Subclass 886 (Skilled – Sponsored).

New regulation 2.26AA provides that in respect of this criterion for these visas, for the purposes of subsection 93(1) of the Act which provides that the Minister shall make an assessment by giving the applicant the prescribed number of points for each prescribed qualification that is satisfied in relation to the applicant, the prescribed qualifications are those set out in column 2 of an item in Parts 6B.1 to 6B.12 of Schedule 6B, and the prescribed points are those set out in column 3 of the Schedule in respect of the relevant item. (New regulation 2.26AA also makes other provisions in respect of an assessment of an applicant's points score for these new subclasses. For further details please see the notes on item [26] above.)

Details of the qualifications and points prescribed under new Schedule 6B are as follows:

Part 6B.1 – Occupational qualifications

This Part has three items 6B11, 6B12 and 6B13. The qualifications prescribed by the items, and the points available for applicants who satisfy the relevant qualifications are:

- 6B11 provides 60 points for applicants having suitable skills for a nominated skilled occupation for which 60 points are available, as specified in the instrument made by the Minister for the purposes of the definition of *skilled occupation* (see item [6] of Schedule 1 to these Regulations, above).
- 6B12 provides 50 points for applicants having suitable skills for a nominated skilled occupation for which 50 points are available, as specified in the instrument made by the Minister for the purposes of the definition of *skilled occupation* (see item [6] of Schedule 1 to these Regulations, above).
- 6B13 provides 40 points for applicants having suitable skills for a nominated skilled occupation for which 40 points are available, as specified in the instrument made by the Minister for the purposes for the definition of *skilled occupation* (see item [6] of Schedule 1 to these Regulations, above).

Part 6B.2 – Age qualifications

This Part has four items 6B21, 6B22, 6B23 and 6B24. The qualifications prescribed by the items, and the points available for applicants who satisfy the relevant qualifications are:

- 6B21 provides 30 points for applicants aged not less than 18 years and under 30 years at the time of application.
- 6B22 provides 25 points for applicants aged not less than 30 years and under 35 years at the time of application.
- 6B23 provides 20 points for applicants aged not less than 35 years and under 40 years at the time of application.
- 6B24 provides 15 points for applicants aged not less than 40 years and under 45 years at time of application.

Part 6B.3 – English language qualifications

This Part has four items, 6B31, 6B32, 6B33 and 6B34. The qualifications prescribed by the items, and the points available for applicants who satisfy the relevant qualifications are:

- 6B31 provides 25 points for applicants assessed as having proficient English (see new regulation 1.15D inserted by item [14] of Schedule 1 to these Regulations, above, for the new definition of *proficient English*).
- 6B32 provides 15 points for applicants assessed as having competent English (see new regulation 1.15C inserted by item [14] of Schedule 1 to these Regulations, above, for the definition of *competent English*).
- 6B33 provides 15 points for applicants having nominated a skilled occupation in ASCO Major Group IV and assessed as having vocational English (see new subregulation 1.15B(5) inserted by item [13] of Schedule 1 to these Regulations, above, for the definition of *vocational English* for the purposes of new General Skilled Migration visa requirements).

- 6B34 provides 15 points for applicants who have applied for either a Subclass 475 (Skilled – Regional Sponsored) visa or a Subclass 487 (Skilled – Regional Sponsored) visa, and the Minister has approved a nomination by a State or Territory which is a State or Territory in which suitable English language training has been established, and the applicant:
 - has concessional competent English (see new regulation 1.15E inserted in the Principal Regulations by item [14] of Schedule 1 to these Regulations, above, for the definition of *concessional competent English*), and
 - has paid the required fee or charge for the English language training in the State or Territory;
 or the Minister has accepted a sponsorship of the applicant by a person living in a State or Territory in which suitable English language training has been established, and the applicant:
 - has concessional competent English, and
 - has paid the required fee for English language training in the State or Territory in which the sponsor resides.

Part 6B.4 – Specific employment qualifications

This Part has two items, 6B41 and 6B42. The qualifications prescribed by the items, and the points available for applicants who satisfy the relevant qualifications are:

- 6B41 provides 10 points for applicants who have nominated a skilled occupation for which 60 points are available and who have been employed in that skilled occupation, or a closely related skilled occupation for at least 36 months in the 48 months immediately before the day the application was made.
- 6B42 provides 5 points for applicants having been employed in a skilled occupation for a period of at least 36 months in the 48 months immediately before the day the application was made.

Part 6B.5 – Australian employment qualifications

This Part has two items, 6B51 and 6B52. The qualifications prescribed by the items and the points available for applicants who satisfy the relevant qualifications are:

- 6B51 provides 10 points for applicants who have been employed in Australia, in a nominated skilled occupation, or a closely related skilled occupation, for at least 12 months in the 48 months immediately before the day the application was made.
- 6B52 provides 10 points for applicants who have completed a professional year (see new regulation 2.26AA inserted in Part 2 of the Principal Regulations by item [26] of Schedule 1 to these Regulations, above) in Australia in a nominated skilled occupation, or a closely related skilled occupation, for a period of 12 months in the 48 months immediately before the day the application was made.

Part 6B.6 – Australian educational qualifications

This Part has four items, 6B61, 6B62, 6B63 and 6B64. The qualifications prescribed by the items and the points available for applicants who satisfy the relevant qualifications are:

- 6B61 provides 25 points for applicants who meet the requirements for award of a doctorate by an Australian educational institution as a result of a course of study of at least 2 academic years if the study was undertaken while the applicant was in Australia and the course was conducted in English.
- 6B62 provides 15 points for applicants who have studied in Australia for at least 3 years and have met the requirements for award of a masters degree or an honours degree (Second Class (Division 1) level or above), by an Australian educational institution as a result of a course of study of at least 1 academic year, and have met the requirements for award of an undergraduate degree which is closely related to the masters degree or honours degree by an Australian educational institution as a result of a course of study of at least 1 academic year undertaken while the applicant was in Australia and the course was in conducted in English.
- 6B63 provides 15 points for applicants who meet the requirements for the award of an undergraduate degree with honours (Second Class (Division 1) level or above), by an Australian educational institution as a result of a course of study of at least 3 academic years undertaken while the applicant was in Australian and the course was conducted in English.
- 6B64 provides 5 points for applicants who satisfy the 2 year study requirement (see new regulation 1.15F inserted in the Principal Regulations by item [14] of these Regulations, above, for the definition of *2 year study requirement* for the purposes of General Skilled Migration visa requirements).

Part 6B.7 – Occupation in demand qualifications

This Part has two items, 6B71 and 6B72. The qualifications prescribed by the items, and the points available for applicants who satisfy the relevant qualifications are:

- 6B71 provides 20 points for applicants who nominate a migration occupation in demand and have been employed in that skilled occupation, or a closely related occupation for a period of at least 12 months in the 48 months immediately before the day the application was made and have an offer of full-time employment in that occupation, in an organisation that had at least 10 full-time employees at all times in the 24 months immediately before the day the application was made. (For the definition of *migration occupation in demand*, see regulation 1.03 of the Principal Regulations.)
- 6B72 provides 15 points for applicants who nominate a migration occupation in demand and have been employed in that skilled occupation, or a closely related skilled occupation for a period of at least 12 months in the 48 months immediately before the day the application was made.

Part 6B.8 – Designated language qualifications

This Part has one item, 6B81. Item 6B81 prescribes the points available for applicants who satisfy the designated language qualification.

6B81 provides 5 points for applicants who hold a qualification that is of an equivalent standard to an Australian degree, the tuition for which was conducted in a designated language; or who are accredited as a professional interpreter or translator (level 3) in a designated language by the National Accreditation Authority for Translators and Interpreters.

Part 6B.9 – Study in regional Australia or a low-population growth metropolitan area qualifications

This Part has one item, 6B91. Item 6B91 prescribes the points available for applicants who satisfy the study in regional Australia or a low-population growth metropolitan area qualification.

6B91 provides 5 points for applicants who met the 2 year study requirement (see new regulation 1.15F inserted in the Principal Regulations by item [14] of these Regulations, above, for the definition of *2 year study requirement*) at a campus or at campuses at a location specified by the Minister in an instrument in writing for item 6A1001 of Schedule 6A, and whilst studying lived in the part of Australia the postcode of which was specified by the Minister in an instrument in writing for item 6A1001 of Schedule 6A with none of the study constituting distance education.

Part 6B.10 – Partner skill qualifications

This Part has one item, item 6B101. Item 6B101 prescribes the points available for applicants who satisfy the partner skill qualifications.

6B101 provides 5 points if the spouse or the interdependent partner of the applicant is an applicant for the same General Skilled Migration visa as the applicant; is not an Australian permanent resident or Australian citizen; is under 45 years of age at the time of application; has nominated a skilled occupation on his or her application; and has been assessed by the relevant assessing authority for his or her nominated skilled occupation as having suitable skills for that occupation.

Further requirements relating to language skills are that the spouse or interdependent partner must either have nominated a skilled occupation in Major Group IV in the Australian Standard Classification of Occupation and have vocational English (see new subregulation 1.15B(5) inserted in the Principal Regulations by item [13] of Schedule 1 to these Regulations, above, for the definition of *vocational English* for the purposes of General Skilled Migration visa requirements); or, if the applicant has applied for either a Subclass 475 (Skilled – Regional Sponsored) visa or a Subclass 487 (Skilled – Regional Sponsored) visa:

- the Minister has approved a nomination by a State or Territory which is a State or Territory in which suitable English language training has been established, and the applicant:
 - has concessional competent English (see new regulation 1.15E inserted in the Principal Regulations by item [14] of Schedule 1 to these Regulations, above, for the definition of *concessional competent English*), and
 - has paid the required fee or charge for the English language training in the State or Territory; or

- the Minister has accepted a sponsorship of the applicant by a person living in a State or Territory in which suitable English language training has been established, and the applicant:
 - has concessional competent English, and
 - has paid the required fee for English language training in the State or Territory in which the sponsor resides.

The spouse or interdependent partner of the applicant must also:

- satisfy the 2 year study requirement (see new regulation 1.15F inserted in the Principal Regulations by item [14] of Schedule 1 to these Regulations, above, for the definition of *2 year study requirement* for the purposes of General Skilled Migration visa requirements); or
- at the time of application, have been employed in a skilled occupation for a period totalling at least 12 months in the 24 months immediately before the date of the application.

Part 6B.11 – State or Territory nomination qualifications

This Part has one item, item 6B111. Item 6B111 prescribes the points available for applicants who satisfy State or Territory nomination qualifications.

6B111 provides 10 points for applicants who apply for one of either a Subclass 176 (Skilled – Sponsored) visa; Subclass 475 (Skilled – Regional Sponsored) visa; Subclass 487 (Skilled – Regional Sponsored) visa; or a Subclass 886 (Skilled – Sponsored) visa, and have been nominated by a State or Territory government agency and the Minister has accepted the nomination.

Part 6B.12 – Designated area sponsorship qualifications

This Part has one item, item 6B121. Item 6B121 prescribes the points available for applicants who satisfy Designated area sponsorship qualifications.

6B121 provides 25 points for applicants who apply for either a Subclass 475 (Skilled – Regional Sponsored), or a Subclass 487 (Skilled Regional Sponsored) visa where the applicant has been sponsored by a relative and the Minister has accepted the sponsorship.

Item [129] – Schedule 8, clause 8539

This item substitutes condition 8539 in Schedule 8 (Visa conditions) to the Principal Regulations with new condition 8539.

New condition 8539 requires that, while the holder of the relevant visa is in Australia, the holder must live, study and work only in an area of Australia that is specified by the Minister in an instrument in writing for item 6A1001 of Schedule 6A to the Principal Regulations. The relevant instrument is the instrument that is in force:

- (a) when the visa was granted; or
- (b) if the holder has held more than one visa that is subject to this condition – when the first of those visas was granted.

The effect of new condition 8539 in amending the previous condition 8539 is that the condition now incorporates a new provision that ties the condition to requiring the applicant to remain in an area of regional Australia that was specified at the time the applicant was first granted a visa subject to the condition.

This allows an applicant who obtains a provisional (temporary) visa subject to this condition and who becomes established in a particular regional area, to remain in that same area in order to comply with the conditions of the visa even though the applicant may be granted more than one provisional visa and the areas specified by the Minister in the instrument may change between the granting of the visas in such a way that the area in which the applicant originally settled is no longer specified at the time a second visa is granted. In these circumstances, the visa holder will continue to be able to comply with the condition without moving to a new specified area.

Condition 8539 is imposed on visas of new Subclasses 475 (Skilled – Regional Sponsored) and 487 (Skilled – Regional Sponsored), if the applicant is nominated by a State or Territory government.

Item [130] – Schedule 8, clause 8549

This item substitutes condition 8549 in Schedule 8 (Visa conditions) to the Principal Regulations.

New condition 8549 requires that, while the holder of the relevant visa is in Australia, the holder must live, study and work only in an area of Australia that is specified by the Minister in an instrument in writing for item 6701 of Schedule 6 to the Principal Regulations. The relevant instrument is the instrument that is in force:

- (c) when the visa was granted; or
- (d) if the holder has held more than one visa that is subject to this condition – when the first of those visas was granted.

The effect of new condition 8549 is the same as the amended condition 8539. Please see the notes on item [131] of this Schedule to these Regulations, above, for further details.

Condition 8549 is imposed on visas of new Subclasses 475 (Skilled – Regional Sponsored) and 487 (Skilled – Regional Sponsored), if the applicant is sponsored by an Australian relative.

Schedule 2 – Amendments relating to general skilled migration visas – commencing on 1 January 2008

This Schedule amends certain ‘old’ general skilled migration visa subclasses in Schedule 2 to the Principal Regulations to remove the discretion for the Minister to request an assurance of support for the applicant, and the requirement for the assurance of support, if requested, to be accepted by the Secretary of the Department of Family and Community Services. (*Assurance of support* is defined in regulation 1.03 of the Principal Regulations.)

This criterion applied at the time of decision under both the primary and the secondary criteria for the relevant subclasses. It is being omitted as there are high administration costs involved in obtaining an assurance of support and it is no longer seen as an effective or necessary requirement.

The subclasses in which the criterion occurs are the ‘old’ general skilled migration visas which under amendments made by Schedule 1 to these Regulations are closed to further applications by persons seeking to satisfy the primary criteria on or after 1 September 2007. Applications for these subclasses which were made prior to 1 September 2007 and were not finally determined by that date will continue to be considered under the criteria of the relevant subclass. However, the effect of the amendments made by this Schedule is that in respect of those applications, from 1 January 2008 there will no longer be a discretion to request an assurance of support.

The effect of the amendments made by all the following items is to omit the assurance of support criterion from the primary and secondary criteria of the relevant subclass.

Item [1] – Schedule 2, clause 134.225

This item omits clause 134.225 from the primary criteria of Subclass 134 (Skill Matching) in Schedule 2 to the Principal Regulations.

Item [2] – Schedule 2, clause 134.324

This item omits clause 134.324 from the secondary criteria of Subclass 134 (Skill Matching) in Schedule 2 to the Principal Regulations.

Item [3] – Schedule 2, clause 136.228

This item omits clause 136.228 from the primary criteria of Subclass 136 (Skilled – Independent) in Schedule 2 to the Principal Regulations.

Item [4] – Schedule 2, clause 136.324

This item omits clause 136.324 from the secondary criteria of Subclass 136 (Skilled – Independent) in Schedule 2 to the Principal Regulations.

Item [5] – Schedule 2, clause 137.227

This item omits clause 137.227 from the primary criteria of Subclass 137 (Skilled – State/Territory-nominated Independent) in Schedule 2 to the Principal Regulations.

Item [6] – Schedule 2, clause 137.324

This item omits clause 137.324 from the secondary criteria of Subclass 137 (Skilled – State/Territory-nominated Independent) in Schedule 2 to the Principal Regulations.

Item [7] – Schedule 2, clause 138.222

This item omits clause 138.222 from the primary criteria of Subclass 138 (Skilled – Australian-sponsored) in Schedule 2 to the Principal Regulations.

Item [8] – Schedule 2, clause 138.323

This item omits clause 138.323 from the secondary criteria of Subclass 138 (Skilled – Australian-sponsored) in Schedule 2 to the Principal Regulations.

Item [9] – Schedule 2, clause 139.223

This item omits clause 139.223 from the primary criteria of Subclass 139 (Skilled – Designated Area-sponsored) in Schedule 2 to the Principal Regulations.

Item [10] – Schedule 2, clause 139.323

This item omits clause 139.323 from the secondary criteria of Subclass 139 (Skilled – Designated Area-sponsored) in Schedule 2 to the Principal Regulations.

Item [11] – Schedule 2, clause 861.228

This item omits clause 861.228 from the primary criteria of Subclass 861 (Skilled - Onshore Independent New Zealand Citizen) in Schedule 2 to the Principal Regulations.

Item [12] – Schedule 2, clause 861.324

This item omits clause 861.324 from the secondary criteria of Subclass 861 (Skilled - Onshore Independent New Zealand Citizen) in Schedule 2 to the Principal Regulations.

Item [13] – Schedule 2, clause 862.222

This item omits clause 862.222 from the primary criteria of Subclass 862 (Skilled - Onshore Australian-Sponsored New Zealand Citizen) in Schedule 2 to the Principal Regulations.

Item [14] – Schedule 2, clause 862.323

This item omits clause 862.323 from the secondary criteria of Subclass 862 (Skilled - Onshore Australian-Sponsored New Zealand Citizen) in Schedule 2 to the Principal Regulations.

Item [15] – Schedule 2, clause 863.223

This item omits clause 863.223 from the primary criteria of Subclass 863 (Skilled - Onshore Designated Area-sponsored New Zealand Citizen) in Schedule 2 to the Principal Regulations.

Item [16] – Schedule 2, clause 863.323

This item omits clause 863.323 from the secondary criteria of Subclass 863 (Skilled - Onshore Designated Area-sponsored New Zealand Citizen) in Schedule 2 to the Principal Regulations.

Item [17] – Schedule 2, clause 880.226

This item omits clause 880.226 from the primary criteria of Subclass 880 (Skilled - Skilled - Independent Overseas Student) in Schedule 2 to the Principal Regulations.

Item [18] – Schedule 2, clause 880.323

This item omits clause 880.323 from the secondary criteria of Subclass 880 (Skilled - Skilled - Independent Overseas Student) in Schedule 2 to the Principal Regulations.

Item [19] – Schedule 2, clause 881.222

This item omits clause 881.222 from the primary criteria of Subclass 881 (Skilled — Australian-sponsored Overseas Student) in Schedule 2 to the Principal Regulations.

Item [20] – Schedule 2, clause 881.323

This item omits clause 881.323 from the secondary criteria of Subclass 881 (Skilled — Australian-sponsored Overseas Student) in Schedule 2 to the Principal Regulations.

Item [21] – Schedule 2, clause 882.223

This item omits clause 882.223 from the primary criteria of Subclass 882 (Skilled — Designated Area-sponsored Overseas Student) in Schedule 2 to the Principal Regulations.

Item [22] – Schedule 2, clause 882.323

This item omits clause 882.323 from the secondary criteria of Subclass 882 (Skilled - Designated Area-sponsored Overseas Student) in Schedule 2 to the Principal Regulations.

Item [23] – Schedule 2, clause 883.224

This item omits clause 883.224 from the primary criteria of Subclass 883 (Skilled - Designated Area-sponsored (Residence)) in Schedule 2 to the Principal Regulations.

Item [24] – Schedule 2, clause 883.323

This item omits clause 883.323 from the secondary criteria of Subclass 883 (Skilled - Designated Area-sponsored (Residence)) in Schedule 2 to the Principal Regulations.