



Migration Amendment Regulations 2007 (No. 7)¹

Select Legislative Instrument 2007 No. 257

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Migration Act 1958*.

Dated 22 August 2007

P. M. JEFFERY
Governor-General

By His Excellency's Command

KEVIN ANDREWS
Minister for Immigration and Citizenship

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1 Name of Regulations

These Regulations are the *Migration Amendment Regulations 2007 (No. 7)*.

2 Commencement

These Regulations commence as follows:

- (a) on 1 September 2007 — regulations 1 to 3 and Schedule 1;
- (b) on 1 January 2008 — regulation 4 and Schedule 2.

3 Amendment of *Migration Regulations 1994*

- (1) Schedule 1 amends the *Migration Regulations 1994*.
- (2) The amendments made by Schedule 1 apply in relation to an application for a visa made on or after 1 September 2007.

4 Amendment of *Migration Regulations 1994*

- (1) Schedule 2 amends the *Migration Regulations 1994*.
- (2) The amendments made by Schedule 2 apply in relation to an application for a visa:
 - (a) made but not finally determined (within the meaning of subsection 5 (9) of the *Migration Act 1958*) before 1 January 2008; or
 - (b) made on or after 1 January 2008.

Schedule 1 **Amendments relating to
general skilled migration
visas — commencing on
1 September 2007**
(regulation 3)

Part 1 **General amendments of the
*Migration Regulations 1994***

[1] **Regulation 1.03, before definition of *ACCESS test***

insert

2 year study requirement has the meaning given by regulation 1.15F.

[2] **Regulation 1.03, after definition of *competent authority***

insert

competent English has the meaning given by regulation 1.15C.
concessional competent English has the meaning given by regulation 1.15E.

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

insert

eligible student visa means a student visa other than:

(a) a Subclass 560 (Student) visa granted to:

(i) the applicant as a person who satisfied the primary criteria for that visa (the *primary person*) in relation to undertaking:

(A) a registered English language course or an ELICOS; or

-
- (B) a course of study:
 - (I) paid for wholly or in part by the Commonwealth, the government of a State or Territory, the government of a foreign country or a multilateral agency; and
 - (II) for which a condition of payment by that body for the course is that the student will leave Australia on the completion of the course; or
 - (C) a full-time course of study or training under a scholarship scheme or training program:
 - (I) approved by the AusAID Minister or the Defence Minister; and
 - (II) for which it is a condition of that scheme or program that the student will leave Australia on the completion of the course; or
 - (D) a non-award course; or
 - (ii) the applicant as a member of the family unit of the primary person; or
 - (b) a Subclass 562 (Iranian Postgraduate Student), 563 (Iranian Postgraduate Student Dependent), 572 (Vocational Education and Training Sector), 573 (Higher Education Sector) or 574 (Postgraduate Research Sector) visa granted to:
 - (i) the applicant as a person who satisfied the primary criteria for the visa (the *primary person*) in relation to undertaking a course mentioned in sub-subparagraph (a) (i) (B) or (C); or
 - (ii) the applicant as a member of the family unit of the primary person; or
 - (c) a Subclass 570 (Independent ELICOS Sector) visa; or
 - (d) a Subclass 571 (Schools Sector) visa; or
 - (e) a Subclass 575 (Non-Award Sector) visa; or
 - (f) a Subclass 576 (AusAID or Defence Sector) visa.

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

insert

General Skilled Migration visa means a Subclass 175, 176, 475, 476, 485, 487, 885, 886 or 887 visa, granted at any time.

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

insert

proficient English has the meaning given by regulation 1.15D.

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

substitute

skilled occupation means an occupation that is specified by the Minister in an instrument in writing for this definition as a skilled occupation for which a number of points specified in that instrument are available.

[7] **Paragraph 1.09A (2) (d)**

omit

, or Partner (Temporary) (Class UK) visa

insert

, Partner (Temporary) (Class UK) visa or a General Skilled Migration visa

[8] **After subregulation 1.12 (8)**

insert

- (9) In addition to subregulation (1), a person is a member of the family unit of:
- (a) an applicant for an Employer Nomination (Residence) (Class BW) visa who seeks to satisfy the primary criteria for the grant of a Subclass 857 (Regional Sponsored Migration Scheme) visa; or

-
- (b) an applicant for a Skilled (Residence) (Class VB) visa who seeks to satisfy the primary criteria for the grant of a Subclass 887 (Skilled — Regional) visa; or
- (c) an applicant for a Skilled (Provisional) (Class VC) visa who seeks to satisfy the primary criteria for the grant of a Subclass 487 (Skilled — Regional Sponsored) visa;
- if, at the time of application:
- (d) the person is the holder of:
- (i) a Skilled — Independent Regional (Provisional) (Class UX) visa; or
 - (ii) a Bridging A (Class WA) visa or Bridging B (Class WB) visa granted on the basis of a valid application for a Skilled — Independent Regional (Provisional) (Class UX) visa or a Skilled (Provisional) (Class VC) visa; or
 - (iii) a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa; or
 - (iv) a Subclass 475 (Skilled — Regional Sponsored) visa; or
 - (v) a Subclass 487 (Skilled — Regional Sponsored) visa; and
- (e) the visa mentioned in paragraph (d) was granted on the basis that the person was a member of the family unit of the visa holder who satisfied the primary criteria and the person is included in the application for:
- (i) a Skilled (Residence) (Class VB) visa; or
 - (ii) a Skilled (Provisional) (Class VC) visa; or
 - (iii) an Employer Nomination (Residence) (Class BW) visa.

[9] Paragraph 1.15A (2) (d)

omit

, or a Partner (Temporary) (Class UK) visa

insert

, a Partner (Temporary) (Class UK) visa, or a General Skilled Migration visa

[10] Subregulation 1.15B (1)

omit

subregulations (2), (3) and (4)

insert

subregulations (2), (3), (4) and (5)

[11] Subregulation 1.15B (3)

after

a visa

insert

(other than a General Skilled Migration visa)

[12] Subregulation 1.15B (4)

after

a visa

insert

(other than a General Skilled Migration visa)

[13] After subregulation 1.15B (4)

insert

- (5) If a person applies for a General Skilled Migration visa, the person has ***vocational English*** if the person satisfies the Minister that the person has achieved, in a test conducted not more than 2 years before the day on which the application was lodged:
- (a) an IELTS test score of at least 5 for each of the 4 test components of speaking, reading, writing and listening; or
 - (b) a score:
 - (i) specified by the Minister in an instrument in writing for this subparagraph; and
 - (ii) in a language test specified by the Minister in the instrument.

[14] After regulation 1.15B

insert in Division 1.2

1.15C Competent English

If a person applies for a General Skilled Migration visa, the person has *competent English* if the person satisfies the Minister that the person:

- (a) has achieved, in a test conducted not more than 2 years before the day on which the application was lodged:
 - (i) an IELTS test score of at least 6 for each of the 4 test components of speaking, reading, writing and listening; or
 - (ii) a score:
 - (A) specified by the Minister in an instrument in writing for this sub-subparagraph; and
 - (B) in a language test specified by the Minister in the instrument; or
- (b) holds a passport of a type specified by the Minister in an instrument in writing for this paragraph.

1.15D Proficient English

If a person applies for a General Skilled Migration visa, the person has *proficient English* if the person satisfies the Minister that the person has achieved, in a test conducted not more than 2 years before the day on which the application was lodged:

- (a) an IELTS test score of at least 7 for each of the 4 test components of speaking, reading, writing and listening; or
- (b) a score:
 - (i) specified by the Minister in an instrument in writing for this subparagraph; and
 - (ii) in a language test specified by the Minister in the instrument.

1.15E Concessional competent English

If a person applies for a General Skilled Migration visa, the person has *concessional competent English* if the person satisfies the Minister that the person has achieved, in a test conducted not more than 2 years before the day on which the application was lodged:

- (a) an IELTS test average band score of at least 5.5 for the 4 test components of speaking, reading, writing and listening; or
- (b) a score:
 - (i) specified by the Minister in an instrument in writing for this subparagraph; and
 - (ii) in a language test specified by the Minister in the instrument.

1.15F 2 year study requirement

- (1) A person satisfies the *2 year study requirement* if the person satisfies the Minister that the person has completed 1 or more degrees, diplomas or trade qualifications for award by an Australian educational institution as a result of a course or courses:
 - (a) that are registered courses; and
 - (b) that were completed in a total of at least 16 calendar months; and
 - (c) that were completed as a result of a total of at least 2 academic years study; and
 - (d) for which all instruction was conducted in English; and
 - (e) that the applicant undertook while in Australia as the holder of a visa authorising the applicant to study.
- (2) In subregulation (1), *degree*, *diploma* and *trade qualification* have the meanings given in subregulation 2.26A (6).

[15] After subregulation 2.05 (5)

insert

- (5A) For subsection 41 (2A) of the Act, further circumstances in which the Minister may waive condition 8534 in relation to a visa are that the holder of the visa:
- (a) has completed the course for which the visa was granted; and
 - (b) has a genuine intention to apply for a General Skilled Migration visa.

[16] Regulation 2.07AG

substitute

2.07AG Applications for certain substantive visas by persons for whom condition 8534 has been waived under subregulation 2.05 (5) or (5A)

For section 46 of the Act, an application for a substantive visa by a person for whom condition 8534 has been waived under subregulation 2.05 (5) or (5A) is a valid application only if the application is for a Class VB or Class VC visa.

[17] Regulation 2.08A, heading

substitute

2.08A Addition of certain applicants to certain applications for permanent visas

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

substitute

- (b) after the application is made, but before it is decided, the Minister receives, in writing and in accordance with Division 2.3, a request from the original applicant to have:
- (i) the spouse; or
 - (ii) a dependent child; or

-
- (iii) the interdependent partner; or
 - (iv) a dependent child of the interdependent partner;
of the original applicant (the *additional applicant*) added
to the original applicant's application; and
 - (c) the request includes a statement that the original applicant
claims that the additional applicant is:
 - (i) the spouse; or
 - (ii) a dependent child; or
 - (iii) the interdependent partner; or
 - (iv) a dependent child of the interdependent partner;
as the case requires, of the original applicant; and

[19] Paragraph 2.08A (2A) (e)

omit

the application.

insert

the application; or

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

insert

(f) a Skilled (Residence) (Class VB) visa.

[21] Regulation 2.08B, heading

substitute

**2.08B Addition of certain dependent children to certain
applications for temporary visas**

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

omit

visa; and

insert

visa; or

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

insert

(x) a Skilled (Provisional) (Class VC) visa; or

(xi) a Skilled (Provisional) (Class VF) visa; or

(xii) a Skilled — Designated Area-sponsored
(Provisional) (Class UZ) visa; and

[24] Paragraph 2.08B (1) (b)

substitute

(b) the Minister receives, in writing in accordance with
Division 2.3, a request from the original applicant to have:

(i) a dependent child; or

(ii) the dependent child of the interdependent partner;

of the original applicant (the *dependent child*) added to
the original applicant's application; and

[25] Paragraph 2.08B (1) (c)

substitute

(c) the request includes a statement that the original applicant
claims that the dependent child is:

(i) the dependent child; or

(ii) the dependent child of the interdependent partner of
the original applicant;

as the case requires, of the original applicant; and

[26] After regulation 2.26A

insert

**2.26AA Prescribed qualifications and number of points for
General Skilled Migration visas**

- (1) This regulation applies to an applicant for a General Skilled Migration visa.
- (2) For subsection 93 (1) of the Act (which deals with determination of an applicant's points score) each qualification in column 2 of an item in Parts 6B.1 to 6B.12 of Schedule 6B is prescribed as a qualification in relation to the grant, to the applicant, of any of the following visas:
 - (a) a Subclass 175 (Skilled — Independent) visa;
 - (b) a Subclass 176 (Skilled — Sponsored) visa;
 - (c) a Subclass 475 (Skilled — Regional Sponsored) visa;
 - (d) a Subclass 487 (Skilled — Regional Sponsored) visa;
 - (e) a Subclass 885 (Skilled — Independent) visa;
 - (f) a Subclass 886 (Skilled — Sponsored) visa.
- (3) The number of points prescribed for a qualification specified in column 2 of an item of Schedule 6B is specified in column 3 of the item.
- (4) For subsection 93 (1) of the Act, the Minister:
 - (a) must not give the applicant a prescribed number of points for more than 1 prescribed qualification in each Part of Schedule 6B; and
 - (b) must give the applicant (if the applicant's circumstances satisfy more than 1 prescribed qualification) the prescribed number of points that is the highest for any such prescribed qualification; and
 - (c) must not give the applicant a prescribed number of points for item 6B12 or 6B13 in Part 6B.1 of Schedule 6B unless:
 - (i) in the case of item 6B12 — the applicant is assessed by the relevant assessing authority as holding a degree that is equivalent to a degree of an Australian tertiary educational institution; and

-
- (ii) in the case of item 6B13 — the applicant is assessed by the relevant assessing authority as holding a diploma or advanced diploma that is equivalent to a diploma or advanced diploma of an Australian educational institution.
- (5) In working out the number of points to be given to an applicant for Part 6B.7 of Schedule 6B, the Minister must have regard to whichever of the following is more favourable to the applicant:
- (a) the occupations that were specified as migration occupations in demand at the time the application was made;
- (b) the occupations that are specified as migration occupations in demand at the time the assessment mentioned in subsection 93(1) of the Act is made.
- (6) In Schedule 6B:
- degree* has the meaning given by subregulation 2.26A (6).
- diploma* has the meaning given by subregulation 2.26A (6).
- employed* has the meaning given by subregulation 2.26A (7).
- professional year* means a course specified by the Minister in an instrument in writing for this definition.
- trade qualification* has the meaning given by subregulation 2.26A (6).

[27] Regulation 2.27B

omit

[28] After regulation 2.27C

insert

2.27D Study in Australia

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 cannot be counted unless the applicant:

- (a) held:
 - (i) a substantive visa; or
 - (ii) a Subclass 010 (Bridging A) visa; or
 - (iii) a Subclass 020 (Bridging B) visa;authorising him or her to study during that period; and
- (b) complied with the conditions of that visa.

Part 2 General amendments of the Migration Regulations 1994

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

substitute

- (ii) In the case of an applicant:
 - (A) who has made a valid application for a Skilled (Migrant) (Class VE) visa; and
 - (B) in relation to whom a decision to grant or refuse to grant a Subclass 175 (Skilled — Independent) or a Subclass 176 (Skilled — Sponsored) visa has not been made: Nil
- (iii) In any other case: \$1 390.

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

substitute

- (ii) In the case of an applicant who is the holder of:
 - (A) a Skilled — Independent Regional (Provisional) (Class UX) visa; or
 - (B) a Subclass 475 (Skilled — Regional Sponsored) visa; or
 - (C) a Subclass 487 (Skilled — Regional Sponsored) visa: \$190
- (iii) In the case of an applicant:
 - (A) who has made a valid application for a Skilled (Residence) (Class VB) visa; and
 - (B) in relation to whom a decision to grant or refuse to grant a Subclass 885 (Skilled — Independent) visa or a Subclass 886 (Skilled — Sponsored) visa has not been made: Nil
- (iv) In the case of an applicant:
 - (A) who has made a valid application for a Skilled (Migrant) (Class VE) visa while

being the holder of a Subclass 444 (Special Category) visa; and

(B) in relation to whom a decision to grant or refuse to grant a Subclass 175 (Skilled — Independent) visa or a Subclass 176 (Skilled — Sponsored) visa has not been made: Nil

(v) In any other case: \$2 060.

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

omit

subparagraph (iii)

insert

subparagraphs (iii) and (iv)

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

substitute

(AA) is not the holder of:

- (I) a Skilled — Independent Regional (Provisional) (Class UX) visa; or
- (II) a Subclass 475 (Skilled — Regional Sponsored) visa; or
- (III) a Subclass 487 (Skilled — Regional Sponsored) visa; and

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

substitute

(iv) In the case of an applicant:

- (A) to whom subparagraphs (i), (ii) and (iii) do not apply; and
- (B) who had turned 18 at the time of application; and
- (C) who is assessed as not having functional English; and

- (D) who has not previously paid a second instalment for an application for any of the following visas:
 - (I) Skilled — Independent Regional (Provisional) (Class UX) visa;
 - (II) Subclass 475 (Skilled — Regional Sponsored) visa;
 - (III) Subclass 487 (Skilled — Regional Sponsored) visa: \$2 860
- (v) In any other case: Nil.

[34] Paragraph 1114A (3) (ba)

substitute

- (ba) In the case of an applicant who:
- (i) is the holder of 1 of the following visas:
 - (A) Skilled — Independent Regional (Provisional) (Class UX) visa;
 - (B) Subclass 475 (Skilled — Regional Sponsored) visa;
 - (C) Subclass 487 (Skilled — Regional Sponsored) visa; and
 - (ii) seeks to satisfy the primary criteria for the grant of a Subclass 856 (Employer Nomination Scheme) visa; the applicant has held 1 or more of the following visas for a total of at least 2 years:
 - (iii) Skilled — Independent Regional (Provisional) (Class UX) visa;
 - (iv) Subclass 475 (Skilled — Regional Sponsored) visa;
 - (v) Subclass 487 (Skilled — Regional Sponsored) visa.

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

substitute

- (ii) In the case of an applicant:
- (A) who has made a valid application for a Skilled (Migrant) (Class VE) visa; and

- (B) in relation to whom a decision to grant or refuse to grant a Subclass 175 (Skilled — Independent) visa or a Subclass 176 (Skilled — Sponsored) visa has not been made: Nil
- (iii) In any other case: \$1 390.

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

substitute

- (ii) In the case of an applicant:
 - (A) who has made a valid application for a Skilled (Residence) (Class VB) visa; and
 - (B) in relation to whom a decision to grant or refuse to grant a Subclass 885 (Skilled — Independent) visa or a Subclass 886 (Skilled — Sponsored) visa has not been made: Nil
- (iii) In the case of an applicant:
 - (A) who has made a valid application for a Skilled (Migrant) (Class VE) visa while being the holder of a Subclass 444 (Special Category) visa; and
 - (B) in relation to whom a decision to grant or refuse to grant a Subclass 175 (Skilled — Independent) visa or a Subclass 176 (Skilled — Sponsored) visa has not been made: Nil
- (iv) In any other case: \$2 060.

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

omit

subparagraphs (iii) and (iv)

insert

subparagraphs (iii), (iv) and (v)

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

omit

subparagraphs (iii) and (iv)

insert

subparagraphs (iii), (iv) and (v)

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

substitute

(v) In the case of an applicant:

(A) to whom subparagraphs (i) to (iv) do not apply; and

(B) who had turned 18 at the time of application; and

(C) who is assessed as not having functional English; and

(D) who has not previously paid a second instalment for an application for any of the following visas:

(I) Skilled — Independent Regional (Provisional) (Class UX) visa;

(II) Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa;

(III) Subclass 475 (Skilled — Regional Sponsored) visa;

(IV) Subclass 487 (Skilled — Regional Sponsored) visa: \$2 860

(vi) In any other case: Nil.

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

insert

(f) Application by a person seeking to satisfy the primary criteria must be made before 1 September 2007.

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

insert

- (da) 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.

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

insert

- (s) Application by a person seeking to satisfy the primary criteria must be made before 1 September 2007.

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

insert

- (e) Application by a person seeking to satisfy the primary criteria must be made before 1 September 2007.

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

insert

- (p) Application by a person seeking to satisfy the primary criteria must be made before 1 September 2007.

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

insert

- (f) Application by a person seeking to satisfy the primary criteria must be made before 1 September 2007.

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

insert

- (g) Application by a person seeking to satisfy the primary criteria must be made before 1 September 2007.

[47] After item 1134

insert in Part 1

1135. Skilled (Migrant) (Class VE)

- (1) Forms: 1276 and 1276 (Internet).
- (2) Visa application charge:
 - (a) First instalment (payable at the time application is made): \$2 060
 - (b) Second instalment (payable before grant of visa):
 - (i) In the case of an applicant:
 - (A) who had turned 18 at the time of application; and
 - (B) who is assessed as not having functional English: \$2 860
 - (ii) In any other case: Nil.
- (3) Other:
 - (a) Application must be made:
 - (i) as an Internet application; or
 - (ii) by posting the application (with the correct pre-paid postage) to the post office box address or other address specified by the Minister in an instrument in writing for this subparagraph; or
 - (iii) by having the application delivered by a courier service to the address specified by the Minister in an instrument in writing for this subparagraph.

Note An Internet application is taken to have been made at the time, identified using Australian Eastern Standard Time or Australian Eastern Standard Time incorporating Daylight Saving Time in the Australian Capital Territory, that corresponds to the time at which the Internet application is made: see regulation 2.10C.

- (b) Applicant seeking to satisfy the primary criteria must be less than 45.
- (c) Applicant seeking to satisfy the primary criteria must nominate a skilled occupation in his or her application.
- (d) Application by a person claiming to be:
 - (i) a member of the family unit; or

- (ii) the interdependent partner; or
 - (iii) a dependent child of the interdependent partner;
- of a person who seeks to satisfy the primary criteria may be made at the same time and place as, and combined with, an application by that person.

(4) Subclasses:

- 175 (Skilled — Independent)
- 176 (Skilled — Sponsored)

1136. Skilled (Residence) (Class VB)

(1) Forms: 1276 and 1276 (Internet).

(2) Visa application charge:

(a) First instalment (payable at the time application is made):

(i) In the case of an applicant who is the holder of:

- (A) a Skilled — Independent Regional (Provisional) (Class UX) visa; or
- (B) a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa; or
- (C) a Subclass 475 (Skilled — Regional Sponsored) visa; or
- (D) a Subclass 487 (Skilled — Regional Sponsored) visa; or
- (E) a Bridging A (Class WA) or Bridging B (Class WB) visa granted on the basis of a valid application for:
 - (I) a Skilled — Independent Regional (Provisional) (Class UX) visa; or
 - (II) a Skilled (Provisional) (Class VC) visa: \$190

(ii) In any other case: \$2 060.

(b) Second instalment (payable before grant of visa):

(i) In the case of an applicant who:

- (A) had turned 18 at the time of application; and
- (B) is assessed as not having functional English; and

(C) has not paid a second instalment of visa application charge in relation to the application for the visa, mentioned in paragraph (a), that the applicant holds: \$2 860

(ii) In any other case: Nil.

(3) Other:

(a) Application must be made:

- (i) as an Internet application; or
- (ii) by posting the application (with the correct pre-paid postage) to the post office box address or other address specified by the Minister in an instrument in writing for this subparagraph; or
- (iii) by having the application delivered by a courier service to the address specified by the Minister in an instrument in writing for this subparagraph.

Note An Internet application is taken to have been made at the time, identified using Australian Eastern Standard Time or Australian Eastern Standard Time incorporating Daylight Saving Time in the Australian Capital Territory, that corresponds to the time at which the Internet application is made: see regulation 2.10C.

(b) Applicant must be in Australia but not in immigration clearance.

(c) Application by a person claiming to be:

- (i) a member of the family unit; or
- (ii) the interdependent partner; or
- (iii) a dependent child of the interdependent partner;

of a person who seeks to satisfy the primary criteria may be made at the same time and place as, and combined with, an application by that person.

(d) The requirements of subitem (4), (5), (6) or (7) must be satisfied.

(4) The following requirements must be met:

(a) one of the following subparagraphs must be satisfied by the applicant:

- (i) the applicant must be the holder of an eligible student visa;

-
- (ii) the applicant must be the holder of a Bridging A (Class WA) visa or Bridging B (Class WB) visa that was granted on the basis of a valid application for a visa other than 1 of the following visas:
- (A) a Subclass 570 (Independent ELICOS Sector) visa;
 - (B) a Subclass 571 (Schools Sector) visa;
 - (C) a Subclass 572 (Vocational Education and Training Sector) visa, a Subclass 573 (Higher Education Sector) visa, or a Subclass 574 (Postgraduate Research Sector) visa, that was applied for on the basis that the applicant seeking to satisfy the primary criteria for the grant of that visa intends to undertake a course of study paid for, wholly or in part, by:
 - (I) the Commonwealth or the government of a State or Territory; or
 - (II) the government of a foreign country; or
 - (III) a multilateral agency;and for which a condition of payment by that body for the course is that the student will leave Australia on the completion of the course;
 - (D) a Subclass 572 (Vocational Education and Training Sector) visa, a Subclass 573 (Higher Education Sector) visa, or a Subclass 574 (Postgraduate Research Sector) visa that was applied for on the basis that the applicant seeking to satisfy the primary criteria for the grant of that visa intends to undertake a course of study or training under a scholarship scheme or training program approved by:
 - (I) the AusAID Minister; or
 - (II) the Defence Minister;

-
- and for which a condition of that scheme or program is that the student will leave Australia on completion of the course;
- (E) a Subclass 575 (Non-Award Sector) visa;
 - (F) a Subclass 576 (AusAID or Defence Sector) visa;
- and must also have held an eligible student visa during the period of 6 months ending immediately before the day on which the application is made;
- (iii) the applicant must:
 - (A) be the holder of a substantive visa other than a visa mentioned in sub-subparagraphs (ii) (A) to (F); and
 - (B) have held an eligible student visa during the period of 6 months ending immediately before the day on which the application for the Skilled (Residence) (Class VB) visa is made;
 - (iv) the applicant must have been taken, under sections 368C, 368D and 379C of the Act to have been notified that the Migration Review Tribunal has set aside and substituted the Minister's decision not to revoke the cancellation of the applicant's eligible student visa not more than 28 days before the day on which the application is made;
 - (b) the applicant seeking to satisfy the primary criteria for the grant of the visa:
 - (i) must be less than 45; and
 - (ii) must nominate a skilled occupation in the application for which at least 50 points are available as specified by the Minister in an instrument in writing for this subparagraph.
- (5) The following requirements must be met:
- (a) the applicant must be:
 - (i) the holder of a Subclass 476 (Skilled — Recognised Graduate) visa; or
 - (ii) the holder of a Subclass 485 (Skilled — Graduate) visa;

-
- (b) the applicant seeking to satisfy the primary criteria for the grant of the visa must:
- (i) have been granted the visa mentioned in paragraph (a) on the basis of satisfying the primary criteria for the grant of that visa; and
 - (ii) nominate a skilled occupation in the application for which at least 50 points are available as specified by the Minister in an instrument in writing for this subparagraph.
- (6) The following requirements must be met:
- (a) each applicant must be the holder of a Subclass 471 (Trade Skills Training) visa;
 - (b) the applicant seeking to satisfy the primary criteria for the grant of the visa:
 - (i) must have been the holder, for a total of at least 2 years before the day on which the application was made, of the Subclass 471 (Trade Skills Training) visa mentioned in paragraph (a) that was granted on the basis of satisfying the primary criteria for the grant of that visa; and
 - (ii) must be less than 45; and
 - (iii) must nominate a skilled occupation in the application for which at least 50 points are available as specified by the Minister in an instrument in writing for this subparagraph.
- (7) The following requirements must be met:
- (a) the applicant must be the holder of:
 - (i) a Skilled — Independent Regional (Provisional) (Class UX) visa; or
 - (ii) a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa; or
 - (iii) a Subclass 475 (Skilled — Regional Sponsored) visa; or
 - (iv) a Subclass 487 (Skilled — Regional Sponsored) visa; or

-
- (v) a Bridging A (Class WA) visa or Bridging B (Class WB) visa that was granted on the basis of a valid application for:
 - (A) a Skilled — Independent Regional (Provisional) (Class UX) visa; or
 - (B) a Skilled (Provisional) (Class VC) visa;
 - (b) the applicant seeking to satisfy the primary criteria for the grant of the visa must have been, for a total of at least 2 years before the day on which the application was made, the holder of 1 of the following visas:
 - (i) a Skilled — Independent Regional (Provisional) (Class UX) visa;
 - (ii) a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa;
 - (iii) a Subclass 475 (Skilled — Regional Sponsored) visa;
 - (iv) a Subclass 487 (Skilled — Regional Sponsored) visa;

that was granted on the basis of satisfying the primary criteria for the grant of that visa, or of being the spouse or interdependent partner of the applicant who satisfied the primary criteria for the grant of the visa.

(8) Subclasses:

- 885 (Skilled — Independent)
- 886 (Skilled — Sponsored)
- 887 (Skilled — Regional)

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

insert

- (n) Application by a person seeking to satisfy the primary criteria must be made before 1 September 2007.

[49] Paragraph 1214C (3) (g)

substitute

(g) If:

(i) the applicant is the holder of:

(A) a Skilled — Independent Regional
(Provisional) (Class UX) visa; or

(B) a Subclass 475 (Skilled — Regional
Sponsored) visa; or

(C) a Subclass 487 (Skilled — Regional
Sponsored) visa; or

(ii) the last substantive visa held by the applicant was:

(A) a Skilled — Independent Regional
(Provisional) (Class UX) visa; or

(B) a Subclass 475 (Skilled — Regional
Sponsored) visa; or

(C) a Subclass 487 (Skilled — Regional
Sponsored) visa;

the applicant must have held that visa for at least 2 years.

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

insert

(f) Application by a person seeking to satisfy the primary
criteria must be made before 1 September 2007.

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

insert

(h) Application by a person seeking to satisfy the primary
criteria must be made before 1 September 2007.

[52] After item 1227

insert in Part 2

1228. Skilled (Provisional) (Class VF)

- (1) Forms: 1276 and 1276 (Internet).
- (2) Visa application charge:
 - (a) First instalment (payable at the time application is made):
 - (i) In the case of an applicant seeking to satisfy the criteria for the grant of a Subclass 475 (Skilled — Regional Sponsored) visa: \$2 060
 - (ii) In the case of an applicant seeking to satisfy the criteria for the grant of a Subclass 476 (Skilled — Recognised Graduate) visa: \$190.
 - (b) Second instalment (payable before grant of visa):
 - (i) In the case of an applicant who:
 - (A) seeks to satisfy the criteria for the grant of a Subclass 475 (Skilled — Regional Sponsored) visa; and
 - (B) had turned 18 at the time of application; and
 - (C) is assessed as not having functional English: \$2 860
 - (ii) In any other case: Nil.
- (3) Other:
 - (a) Application must be made:
 - (i) as an Internet application; or
 - (ii) by posting the application (with the correct pre-paid postage) to the post office box address or other address specified by the Minister in an instrument in writing for this subparagraph; or
 - (iii) by having the application delivered by a courier service to the address specified by the Minister in an instrument in writing for this subparagraph.

Note An Internet application is taken to have been made at the time, identified using Australian Eastern Standard Time or Australian Eastern Standard Time incorporating Daylight Saving Time in the Australian

Capital Territory, that corresponds to the time at which the Internet application is made: see regulation 2.10C.

- (b) Applicant seeking to satisfy the primary criteria for the grant of a Subclass 475 (Skilled — Regional Sponsored) visa:
 - (i) must be less than 45; and
 - (ii) must nominate a skilled occupation in the application.
 - (c) Applicant seeking to satisfy the primary criteria for the grant of a Subclass 476 (Skilled — Recognised Graduate) visa must be less than 31.
 - (d) Application by a person claiming to be:
 - (i) a member of the family unit; or
 - (ii) the interdependent partner; or
 - (iii) a dependent child of the interdependent partner;of a person who seeks to satisfy the primary criteria may be made at the same time and place as, and combined with, an application by that person.
- (4) Subclasses:
- 475 (Skilled — Regional Sponsored)
 - 476 (Skilled — Recognised Graduate)

1229. Skilled (Provisional) (Class VC)

- (1) Forms: 1276 and 1276 (Internet).
- (2) Visa application charge:
 - (a) First instalment (payable at the time application is made):
 - (i) In the case of an applicant seeking to satisfy the criteria for the grant of a Subclass 485 (Skilled — Graduate) visa: \$190
 - (ii) In the case of an applicant seeking to satisfy the criteria for the grant of a Subclass 487 (Skilled — Regional Sponsored) visa, and who is the holder of:
 - (A) a Skilled — Independent Regional (Provisional) (Class UX) visa; or
 - (B) a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa; or

-
- (C) a Subclass 475 (Skilled — Regional Sponsored) visa; or
 - (D) a Subclass 487 (Skilled — Regional Sponsored) visa: \$190
- (iii) In any other case: \$2 060.
- (b) Second instalment (payable before grant of visa):
- (i) In the case of an applicant who:
 - (A) seeks to satisfy the criteria for the grant of a Subclass 487 (Skilled — Regional Sponsored) visa; and
 - (B) had turned 18 at the time of application; and
 - (C) is assessed as not having functional English; and
 - (D) has not paid a second instalment of visa application charge in relation to the application for the visa, mentioned in paragraph (a), that the applicant holds: \$2 860
 - (ii) In any other case: Nil.
- (3) Other:
- (a) Application must be made:
 - (i) as an Internet application; or
 - (ii) by posting the application (with the correct pre-paid postage) to the post office box address or other address specified by the Minister in an instrument in writing for this subparagraph; or
 - (iii) by having the application delivered by a courier service to the address specified by the Minister in an instrument in writing for this subparagraph.

Note An Internet application is taken to have been made at the time, identified using Australian Eastern Standard Time or Australian Eastern Standard Time incorporating Daylight Saving Time in the Australian Capital Territory, that corresponds to the time at which the Internet application is made: see regulation 2.10C.

- (b) Applicant claiming to be:
 - (i) a member of the family unit; or
 - (ii) the interdependent partner; or

-
- (iii) a dependent child of the interdependent partner;
of a person who, having satisfied the primary criteria, holds a Skilled (Provisional) (Class VC) visa may be in or outside Australia when making his or her application, but not in immigration clearance.
- (c) Applicant to whom paragraph (b) does not apply must be in Australia, but not in immigration clearance, when making his or her application.
- (d) Application by a person claiming to be:
- (i) a member of the family unit; or
 - (ii) the interdependent partner; or
 - (iii) a dependent child of the interdependent partner;
- of a person who seeks to satisfy the primary criteria may be made at the same time and place as, and combined with, an application by that person.
- (e) The requirements of subitem (4), (5), (6), (7), (8) or (9) must be satisfied.
- (4) The following requirements must be met:
- (a) one of the following subparagraphs must be satisfied by the applicant:
- (i) the applicant must be the holder of an eligible student visa;
 - (ii) the applicant must be the holder of a Bridging A (Class WA) visa or Bridging B (Class WB) visa that was granted on the basis of a valid application for a visa other than 1 of the following visas:
 - (A) a Subclass 570 (Independent ELICOS Sector) visa;
 - (B) a Subclass 571 (Schools Sector) visa;
 - (C) a Subclass 572 (Vocational Education and Training Sector) visa, a Subclass 573 (Higher Education Sector) visa, or a Subclass 574 (Postgraduate Research Sector) visa, that was applied for on the basis that the applicant seeking to satisfy the primary criteria for the grant of that visa intends to undertake a

course of study paid for, wholly or in part,
by:

- (I) the Commonwealth or the government of a State or Territory; or
- (II) the government of a foreign country; or
- (III) a multilateral agency;

and for which a condition of payment by that body for the course is that the student will leave Australia on the completion of the course;

- (D) a Subclass 572 (Vocational Education and Training Sector) visa, a Subclass 573 (Higher Education Sector) visa, or a Subclass 574 (Postgraduate Research Sector) visa that was applied for on the basis that the applicant seeking to satisfy the primary criteria for the grant of that visa intends to undertake a course of study or training under a scholarship scheme or training program approved by:

- (I) the AusAID Minister; or
- (II) the Defence Minister;

and for which a condition of that scheme or program is that the student will leave Australia on completion of the course;

- (E) a Subclass 575 (Non-Award Sector) visa;
- (F) a Subclass 576 (AusAID or Defence Sector) visa;

and must also have held an eligible student visa during the period of 6 months ending immediately before the day on which the application is made;

(iii) the applicant must:

- (A) be the holder of a substantive visa other than a visa mentioned in sub-subparagraphs (ii) (A) to (F); and
- (B) have held an eligible student visa during the period of 6 months ending immediately

-
- before the day on which the application for the Skilled (Provisional) (Class VC) visa is made;
- (iv) the applicant must have been taken, under sections 368C, 368D and 379C of the Act, to have been notified that the Migration Review Tribunal has set aside and substituted the Minister's decision not to revoke the cancellation of the applicant's eligible student visa not more than 28 days before the day on which the application is made;
- (b) the applicant seeking to satisfy the primary criteria for the grant of the visa:
- (i) must be less than 45; and
 - (ii) must nominate a skilled occupation in the application for which at least 50 points are available as specified by the Minister in an instrument in writing for this subparagraph.
- (5) The following requirements must be met:
- (a) the applicant must be:
- (i) the holder of a Subclass 476 (Skilled — Recognised Graduate) visa; or
 - (ii) the holder of a Subclass 485 (Skilled — Graduate) visa;
- (b) the applicant seeking to satisfy the primary criteria for the grant of the visa must:
- (i) have been granted the visa mentioned in paragraph (a) on the basis of satisfying the primary criteria for the grant of that visa; and
 - (ii) nominate a skilled occupation in the application for which at least 50 points are available as specified by the Minister in an instrument in writing for this subparagraph.
- (6) The following requirements must be met:
- (a) each applicant must be the holder of a Subclass 471 (Trade Skills Training) visa;

-
- (b) the applicant seeking to satisfy the primary criteria for the grant of the visa:
- (i) must have been the holder, for a total of at least 2 years before the day on which the application was made, of the Subclass 471 (Trade Skills Training) visa mentioned in paragraph (a) that was granted on the basis of satisfying the primary criteria for the grant of that visa; and
 - (ii) must be less than 45; and
 - (iii) must nominate a skilled occupation in the application for which at least 50 points are available as specified by the Minister in an instrument in writing for this subparagraph.
- (7) The following requirements must be met:
- (a) the applicant must be:
- (i) the holder of a Subclass 417 (Working Holiday) visa; or
 - (ii) the holder of a Subclass 442 (Occupational Trainee) visa;
- (b) the applicant seeking to satisfy the primary criteria for the grant of the visa:
- (i) must be less than 45; and
 - (ii) must nominate a skilled occupation in the application for which at least 50 points are available as specified by the Minister in an instrument in writing for this subparagraph.
- (8) The following requirements must be met:
- (a) the applicant must be the holder of:
- (i) a Skilled — Independent Regional (Provisional) (Class UX) visa; or
 - (ii) a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa; or
 - (iii) a Subclass 475 (Skilled — Regional Sponsored) visa; or
 - (iv) a Subclass 487 (Skilled — Regional Sponsored) visa;

and must not have previously held more than 1 of any of those visas;

- (b) the applicant seeking to satisfy the primary criteria for the grant of the visa must have been, for a total of at least 2 years before the day on which the application was made, the holder of 1 of the following visas:
- (i) a Skilled — Independent Regional (Provisional) (Class UX) visa;
 - (ii) a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa;
 - (iii) a Subclass 475 (Skilled — Regional Sponsored) visa;
 - (iv) a Subclass 487 (Skilled — Regional Sponsored) visa;

that was granted on the basis of satisfying the primary criteria for the grant of that visa, or of being the spouse or interdependent partner of the applicant who satisfied the primary criteria for the grant of the visa.

- (9) The applicant must claim to be:
- (a) a member of the family unit; or
 - (b) the interdependent partner; or
 - (c) a dependent child of the 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.
- (10) Subclasses:
- 485 (Skilled — Graduate)
 - 487 (Skilled — Regional Sponsored)

[53] Subitem 1301 (1)

omit

1150E (Internet) or 1208

insert

1150E (Internet), 1208, 1276 or 1276 (Internet)

[54] Subitem 1303 (1)

omit

1150 or 1150E (Internet)

insert

1150, 1150E (Internet), 1276 or 1276 (Internet)

[55] Subitem 1305 (1)

omit

1150 or 1150E (Internet)

insert

1150, 1150E (Internet), 1276 or 1276 (Internet)

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

[56] Paragraph 010.611 (3A) (d)

omit

Schedule 1;

insert

Schedule 1; or

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

insert

(e) a Skilled (Provisional) (Class VC) visa in relation to which the applicant met the requirements for subitem 1229 (4) of Schedule 1;

[58] Paragraph 010.611 (3B) (b)

omit

(Class DE) visa;

insert

(Class DE) visa; or

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

insert

(c) a Skilled (Residence) (Class VB) visa;

[60] Paragraph 020.611(3) (b)

omit

of Schedule 1;

insert

of Schedule 1; or

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

insert

- (c) a Skilled (Provisional) (Class VC) visa in relation to which the applicant met the requirements for subitem 1229 (4) of Schedule 1;

[62] Paragraph 020.611 (4) (b)

omit

(Class DE) visa;

insert

(Class DE) visa; or

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

insert

- (c) a Skilled (Residence) (Class VB) visa;

[64] Subclause 119.211 (3)

substitute

- (3) If subclause (2) does not apply, either:
 - (a) if the applicant is mentioned in subparagraph 1114 (2) (a) (ii) of Schedule 1 — the applicant:
 - (i) is less than 45 at the time of the application for a Skilled (Migrant) (Class VE) visa; and
 - (ii) has competent English; and
 - (iii) has a diploma (within the meaning of subregulation 2.26A (6)) or higher qualification that is, unless the appointment is exceptional, relevant to the appointment; or
 - (b) in any other case — unless exceptional circumstances apply, the applicant:
 - (i) has not turned 45; and
 - (ii) has functional English; and

(iii) has a diploma (within the meaning of subregulation 2.26A (6)) or higher qualification, that is relevant to the appointment.

[65] Subclause 120.211 (1)

after

subclause (5)

insert

or (6)

[66] After subclause 120.211 (5)

insert

(6) For an applicant who seeks to enter Australia to work in accordance with a labour agreement, and who is mentioned in subparagraph 1121 (2) (a) (ii) of Schedule 1:

- (a) the applicant has 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; and
- (b) the applicant has qualifications and experience that are suitable for the position to be taken by the applicant under the labour agreement; and
- (c) the applicant was less than 45 at the time of the application for a Skilled (Residence) (Class VE) visa; and
- (d) the requirements of the labour agreement have been met in relation to the application; and
- (e) the applicant has competent English; and
- (f) the applicant has a diploma (within the meaning of subregulation 2.26A (6)) or higher qualification that is relevant to the appointment.

[67] Before clause 121.211A

insert

- 121.210 For an applicant who has been nominated by an employer for an appointment in the business of that employer, and who is mentioned in subparagraph 1114 (2) (a) (ii):
- (a) the applicant was less than 45 at the time of the application for a Skilled (Migrant) (Class VE) visa; and
 - (b) the applicant has competent English; and
 - (c) the applicant has a diploma (within the meaning of subregulation 2.26A (6)) or higher qualification that is, unless the appointment is exceptional, relevant to the appointment.

[68] Clause 121.211

omit

If clause 121.211A does not apply

insert

If clauses 121.210 and 121.211A do not apply

[69] Before clause 134.212

insert

- 134.210 The application must be made before 1 September 2007.

[70] Before clause 136.212

insert

- 136.210 The application must be made before 1 September 2007.

[71] Before clause 137.213

insert

- 137.210 The application must be made before 1 September 2007.

[72] Before clause 138.211

insert

138.210 The application must be made before 1 September 2007.

[73] Clause 138.221A

omit

[74] After Part 173

insert

Subclass 175 Skilled — Independent

175.1 Interpretation

175.111 In this Part:

degree has the same meaning as in subregulation 2.26A (6).

diploma has the same meaning as in subregulation 2.26A (6).

employed has the same meaning as in subregulation 2.26A (7).

trade qualification has the same meaning as in subregulation 2.26A (6).

Note 1 For *2 year study requirement*, see regulation 1.15F.

Note 2 For *competent English*, see regulation 1.15C.

Note 3 For *registered course*, see regulation 1.03.

Note 4 For *relevant assessing authority*, see regulation 1.03.

Note 5 For *skilled occupation*, see regulation 1.03.

Note 6 For *vocational English*, see regulation 1.15B.

175.2 Primary criteria

Note The primary criteria must be satisfied by at least 1 applicant. Other applicants who are members of the family unit, or the interdependent partner or dependent child of the interdependent partner, of the applicant who satisfies the primary criteria need satisfy only the secondary criteria.

175.21 Criteria to be satisfied at time of application

175.211 Either:

- (a) the applicant has been employed in a skilled occupation for at least 12 months in the period of 24 months ending immediately before the day on which the application was made; or
- (b) both of the following:
 - (i) the applicant satisfied the 2 year study requirement in the period of 6 months ending immediately before the day on which the application was made;
 - (ii) each degree, diploma or trade qualification used to satisfy the 2 year study requirement is closely related to the applicant's nominated skilled occupation.

175.212 (1) The skills of the applicant have been assessed by the relevant assessing authority as suitable for the applicant's nominated skilled occupation.

(2) If the assessment mentioned in subclause (1) is made on the basis of a qualification obtained in Australia while the applicant was the holder of a student visa, the qualification was obtained as a result of studying a registered course.

175.213 Either:

- (a) the applicant's nominated skilled occupation is in Major Group IV in the Australian Standard Classification of Occupation, and the applicant has vocational English; or
- (b) the applicant has competent English.

175.22 Criteria to be satisfied at time of decision

175.221 The applicant has the qualifying score when assessed in relation to the visa under Subdivision B of Division 3 of Part 2 of the Act.

Note That Subdivision of the Act provides in sections 92 to 96 for the application of a points system, under which applicants for relevant visas are given an assessed score based on the prescribed number of points for particular attributes, which is assessed against the relevant pool mark and pass mark.

The prescribed points and the manner of their allocation are provided for in Division 2.6 and Schedule 6B of these Regulations. Pool marks and pass marks are set from time to time by the Minister by instrument (Act, section 96).

- 175.222 No evidence has become available since the time of application that the information given or used:
- (a) to meet the requirements of item 1135 of Schedule 1; or
 - (b) to obtain the skills assessment mentioned in subclause 175.212 (1); or
 - (c) to satisfy Subdivision 175.21; or
 - (d) to satisfy clause 175.221;
- was false or misleading in a material particular.
- 175.223 The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005 and 4010.
- 175.224 If the applicant has previously been in Australia, the applicant satisfies special return criteria 5001, 5002 and 5010.
- 175.225 Each person who is:
- (a) a member of the family unit; or
 - (b) the interdependent partner; or
 - (c) a dependent child of the interdependent partner;
- of the applicant, and who is also an applicant for a Subclass 175 visa, is a person who:
- (d) satisfies public interest criteria 4001, 4002, 4003, 4004, 4005 and 4010; and
 - (e) if the person has previously been in Australia — satisfies special return criteria 5001, 5002 and 5010.
- 175.226 Each member of the family unit of the applicant, who is not an applicant for a Subclass 175 visa, is a person who:
- (a) satisfies public interest criteria 4001, 4002, 4003 and 4004; and
 - (b) satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.

-
- 175.227 If a person (the *additional applicant*):
- (a) is a member of the family unit, or a dependent child of the interdependent partner, of the applicant; and
 - (b) is less than 18; and
 - (c) made a combined application with the applicant;
- public interest criteria 4015 and 4016 are satisfied for the additional applicant.
- 175.228 Grant of the visa would not result in either:
- (a) the number of Subclass 175 visas granted in a financial year exceeding the maximum number of Subclass 175 visas, as determined by the Minister in an instrument in writing for this paragraph, that may be granted in that financial year; or
 - (b) the number of visas of particular classes (including Subclass 175) granted in a financial year exceeding the maximum number of visas of those classes, as determined by the Minister in an instrument in writing for this paragraph, that may be granted in that financial year.
- 175.229 The Minister is satisfied that:
- (a) the applicant is the holder of a valid passport that:
 - (i) was issued to the applicant by an official source; and
 - (ii) is in the form issued by the official source; or
 - (b) it would be unreasonable to require the applicant to be the holder of a passport.

175.3 Secondary criteria

Note These criteria must be satisfied by applicants who are members of the family unit, or the interdependent partner or dependent child of the interdependent partner, of an applicant who satisfies the primary criteria.

175.31 Criteria to be satisfied at time of application

- 175.311 The applicant is:
- (a) a member of the family unit; or
 - (b) the interdependent partner; or

- (c) a dependent child of the interdependent partner;
of a person who satisfies the primary criteria in
Subdivision 175.21 and made a combined application with
that person.

175.32 Criteria to be satisfied at time of decision

- 175.321 The applicant continues to be:
- (a) a member of the family unit; or
 - (b) the interdependent partner; or
 - (c) a dependent child of the interdependent partner;
of a person who, having satisfied the primary criteria, is the
holder of a Subclass 175 visa.
- 175.322 The applicant satisfies public interest criteria 4001, 4002,
4003, 4004, 4005 and 4010.
- 175.323 If the applicant has previously been in Australia, the
applicant satisfies special return criteria 5001, 5002
and 5010.
- 175.324 If the applicant is less than 18, public interest criteria 4017
and 4018 are satisfied in relation to the applicant.
- 175.325 The Minister is satisfied that:
- (a) the applicant is the holder of a valid passport that:
 - (i) was issued to the applicant by an official source;
and
 - (ii) is in the form issued by the official source; or
 - (b) it would be unreasonable to require the applicant to be
the holder of a passport.

175.4 Circumstances applicable to grant

- 175.411 If the applicant who satisfied the primary criteria for the grant
of the visa is also the holder of a Subclass 444 (Special
Category) visa, each applicant included in the application
may be in or outside Australia when the visa is granted.
- 175.412 In any other case, each applicant included in the application
must be outside Australia when the visa is granted.

Note The second instalment of the visa application charge must be paid before the visa can be granted.

175.5 When visa is in effect

175.511 Permanent visa permitting the holder to travel to and enter Australia for 5 years from the date of grant.

175.6 Conditions

175.611 If the applicant is outside Australia when the visa is granted:

- (a) first entry must be made before a date specified by the Minister for the purpose; and
- (b) if the applicant satisfies the secondary criteria for the grant of the visa, condition 8502 may be imposed; and
- (c) condition 8515 may be imposed.

175.7 Way of giving evidence

175.711 No evidence need be given.

175.712 If evidence is given, to be given by a label affixed to a valid passport.

Subclass 176 Skilled — Sponsored

176.1 Interpretation

176.111 In this Part:

degree has the same meaning as in subregulation 2.26A (6).

diploma has the same meaning as in subregulation 2.26A (6).

employed has the same meaning as in subregulation 2.26A (7).

trade qualification has the same meaning as in subregulation 2.26A (6).

Note 1 For *2 year study requirement*, see regulation 1.15F.

Note 2 For *competent English*, see regulation 1.15C.

Note 3 For *registered course*, see regulation 1.03.

Note 4 For *relevant assessing authority*, see regulation 1.03.

Note 5 For *skilled occupation*, see regulation 1.03.

Note 6 For *vocational English*, see regulation 1.15B.

176.2 Primary criteria

Note The primary criteria must be satisfied by at least 1 applicant. Other applicants who are members of the family unit, or the interdependent partner or dependent child of the interdependent partner, of the applicant who satisfies the primary criteria need satisfy only the secondary criteria.

176.21 Criteria to be satisfied at time of application

176.211 Either:

- (a) the applicant has been employed in a skilled occupation for at least 12 months in the period of 24 months ending immediately before the day on which the application was made; or
- (b) the following requirements are met:
 - (i) the applicant satisfied the 2 year study requirement in the period of 6 months ending immediately before the day on which the application was made;
 - (ii) each degree, diploma or trade qualification used to satisfy the 2 year study requirement is closely related to the applicant's nominated skilled occupation.

176.212 (1) The skills of the applicant have been assessed by the relevant assessing authority as suitable for the applicant's nominated skilled occupation.

(2) If the assessment mentioned in subclause (1) is made on the basis of a qualification obtained in Australia while the applicant was the holder of a student visa, the qualification was obtained as a result of studying a registered course.

176.213 Either:

- (a) the applicant's nominated skilled occupation is in Major Group IV in the Australian Standard Classification of Occupation, and the applicant has vocational English; or
- (b) the applicant has competent English.

176.22 Criteria to be satisfied at time of decision

176.221 The applicant has the qualifying score when assessed in relation to the visa under Subdivision B of Division 3 of Part 2 of the Act.

Note That Subdivision of the Act provides in sections 92 to 96 for the application of a points system, under which applicants for relevant visas are given an assessed score based on the prescribed number of points for particular attributes, which is assessed against the relevant pool mark and pass mark.

The prescribed points and the manner of their allocation are provided for in Division 2.6 and Schedule 6B of these Regulations. Pool marks and pass marks are set from time to time by the Minister by instrument (Act, section 96).

- 176.222
- (1) The requirements of subclause (2) or (3) are met.
 - (2) All of the following apply:
 - (a) the applicant has been nominated by a State or Territory government agency;
 - (b) the Minister has accepted the nomination.
 - (3) All of the following apply:
 - (a) the applicant, and all persons included in the application, are sponsored by a person who:
 - (i) has turned 18; and
 - (ii) is an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen; and
 - (iii) is usually resident in Australia; and
 - (iv) is related to the applicant, the applicant's spouse (if the applicant's spouse is also an applicant for a Subclass 176 visa), or the applicant's interdependent partner (if the applicant's interdependent partner is also an applicant for a Subclass 176 visa), as:
 - (A) a parent; or
 - (B) a child, an adopted child, or a step-child; or
 - (C) a brother or sister, an adoptive brother or sister, or a step-brother or step-sister; or
 - (D) an aunt or uncle, an adoptive aunt or uncle, or a step-aunt or step-uncle; or

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- (E) a nephew or niece, an adoptive nephew or niece, or a step-nephew or step-niece;
- (b) either:
- (i) the sponsorship was made on Form 1277 (Internet), and the Minister has accepted the sponsorship; or
 - (ii) if the sponsorship was made on Form 1277 — the sponsorship was made:
 - (A) by posting the form (with the correct pre-paid postage) to the post office box address or other address specified by the Minister in an instrument in writing for this sub-subparagraph; or
 - (B) by having the form delivered by a courier service to the address specified by the Minister in an instrument in writing for this sub-subparagraph;
- and the Minister has accepted the sponsorship.
- 176.223 No evidence has become available since the time of application that the information given or used:
- (a) to meet the requirements of item 1135 of Schedule 1; or
 - (b) to obtain the skills assessment mentioned in subclause 176.212 (1); or
 - (c) to satisfy Subdivision 176.21; or
 - (d) to satisfy clause 176.221;
- was false or misleading in a material particular.
- 176.224 The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005 and 4010.
- 176.225 If the applicant has previously been in Australia, the applicant satisfies special return criteria 5001, 5002 and 5010.
- 176.226 Each person who is:
- (a) a member of the family unit; or
 - (b) the interdependent partner; or
 - (c) a dependent child of the interdependent partner;

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- of the applicant, and who is also an applicant for a Subclass 176 visa, is a person who:
- (d) satisfies public interest criteria 4001, 4002, 4003, 4004, 4005 and 4010; and
 - (e) if the person has previously been in Australia — satisfies special return criteria 5001, 5002 and 5010.
- 176.227 Each member of the family unit of the applicant, who is not an applicant for a Subclass 176 visa, is a person who:
- (a) satisfies public interest criteria 4001, 4002, 4003 and 4004; and
 - (b) satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.
- 176.228 If a person (the *additional applicant*):
- (a) is a member of the family unit, or a dependent child of the interdependent partner, of the applicant; and
 - (b) is less than 18; and
 - (c) made a combined application with the applicant;
- public interest criteria 4015 and 4016 are satisfied for the additional applicant.
- 176.229 Grant of the visa would not result in either:
- (a) the number of Subclass 176 visas granted in a financial year exceeding the maximum number of Subclass 176 visas, as determined by the Minister in an instrument in writing for this paragraph, that may be granted in that financial year; or
 - (b) the number of visas of particular classes (including Subclass 176) granted in a financial year exceeding the maximum number of visas of those classes, as determined by the Minister in an instrument in writing for this paragraph, that may be granted in that financial year.
- 176.230 The Minister is satisfied that:
- (a) the applicant is the holder of a valid passport that:
 - (i) was issued to the applicant by an official source; and

- (ii) is in the form issued by the official source; or
- (b) it would be unreasonable to require the applicant to be the holder of a passport.

176.3 Secondary criteria

Note These criteria must be satisfied by applicants who are members of the family unit, or the interdependent partner or dependent child of the interdependent partner, of an applicant who satisfies the primary criteria.

176.31 Criteria to be satisfied at time of application

176.311 The applicant is:

- (a) a member of the family unit; or
- (b) the interdependent partner; or
- (c) a dependent child of the interdependent partner;
of a person who satisfies the primary criteria in Subdivision 176.21 and made a combined application with that person.

176.32 Criteria to be satisfied at time of decision

176.321 The applicant continues to be:

- (a) a member of the family unit; or
- (b) the interdependent partner; or
- (c) a dependent child of the interdependent partner;

of a person who, having satisfied the primary criteria, is the holder of a Subclass 176 visa.

176.322 The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005 and 4010.

176.323 If the applicant has previously been in Australia, the applicant satisfies special return criteria 5001, 5002 and 5010.

176.324 If the applicant is less than 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.

- 176.325 The Minister is satisfied that:
- (a) the applicant is the holder of a valid passport that:
 - (i) was issued to the applicant by an official source; and
 - (ii) is in the form issued by the official source; or
 - (b) it would be unreasonable to require the applicant to be the holder of a passport.

176.4 Circumstances applicable to grant

176.411 If the applicant who satisfied the primary criteria for the grant of the visa is also the holder of a Subclass 444 (Special Category) visa, each applicant included in the application may be in or outside Australia when the visa is granted.

176.412 In any other case, each applicant included in the application must be outside Australia when the visa is granted.

Note The second instalment of the visa application charge must be paid before the visa can be granted.

176.5 When visa is in effect

176.511 Permanent visa permitting the holder to travel to and enter Australia for 5 years from the date of grant.

176.6 Conditions

- 176.611 If the applicant is outside Australia when the visa is granted:
- (a) first entry must be made before a date specified by the Minister for the purpose; and
 - (b) if the applicant satisfies the secondary criteria for the grant of the visa, condition 8502 may be imposed; and
 - (c) condition 8515 may be imposed.

176.7 Way of giving evidence

176.711 No evidence need be given.

176.712 If evidence is given, to be given by a label affixed to a valid passport.

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

substitute

- (B) Subclass 457 (Business (Long Stay));
- (C) Subclass 476 (Skilled — Recognised Graduate);
- (D) Subclass 485 (Skilled — Graduate); or

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

substitute

- (E) Subclass 988 (Maritime Crew) visa;
- (F) Subclass 476 (Skilled — Recognised Graduate);
- (G) Subclass 485 (Skilled — Graduate); or

[77] After Part 471

insert

Subclass 475 Skilled — Regional Sponsored

475.1 Interpretation

475.111 In this Part:

degree has the same meaning as in subregulation 2.26A (6).

designated area means an area specified by the Minister in an instrument in writing under item 6701 of Schedule 6 as a designated area.

diploma has the same meaning as in subregulation 2.26A (6).

employed has the meaning given by subregulation 2.26A (7).

trade qualification has the same meaning as in subregulation 2.26A (6).

Note 1 For *competent English*, see regulation 1.15C.

Note 2 For *concessional competent English*, see regulation 1.15E.

Note 3 For *registered course*, see regulation 1.03.

Note 4 For *relevant assessing authority*, see regulation 1.03.

Note 5 For *skilled occupation*, see regulation 1.03.

Note 6 For *vocational English*, see regulation 1.15B.

475.2 Primary criteria

Note The primary criteria must be satisfied by at least 1 applicant. Other applicants who are members of the family unit, or the interdependent partner or dependent child of the interdependent partner, of the applicant who satisfies the primary criteria need satisfy only the secondary criteria.

475.21 Criteria to be satisfied at time of application

475.211 Either:

- (a) the applicant has been employed in a skilled occupation for at least 12 months in the period of 24 months ending immediately before the day on which the application was made; or
- (b) the following requirements are met:
 - (i) the applicant satisfied the 2 year study requirement in the period of 6 months ending immediately before the day on which the application was made;
 - (ii) each degree, diploma or trade qualification used to satisfy the 2 year study requirement is closely related to the applicant's nominated skilled occupation.

475.212 (1) The skills of the applicant have been assessed by the relevant assessing authority as suitable for the applicant's nominated skilled occupation.

(2) If the assessment mentioned in subclause (1) is made on the basis of a qualification obtained in Australia while the applicant was the holder of a student visa, the qualification was obtained as a result of studying a registered course.

475.213 (1) The requirements of subclause (2) or (3) are met.

(2) The applicant has indicated that the applicant is nominated by a State or Territory government agency.

(3) The applicant has indicated that the applicant, and all persons included in the application, are sponsored by a person who:

- (a) has turned 18; and
- (b) is an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen; and
- (c) is usually resident in a designated area of Australia; and
- (d) is related to the applicant, the applicant's spouse (if the applicant's spouse is also an applicant for a Subclass 475 visa), or the applicant's interdependent partner (if the applicant's interdependent partner is also an applicant for a Subclass 475 visa), as:
 - (i) a parent; or
 - (ii) a child, an adopted child, or a step-child; or
 - (iii) a brother or sister, an adoptive brother or sister, or a step-brother or step-sister; or
 - (iv) an aunt or uncle, an adoptive aunt or uncle, or a step-aunt or step-uncle; or
 - (v) a nephew or niece, an adoptive nephew or niece, or a step-nephew or step-niece; or
 - (vi) a grandparent or first cousin.

475.214 Either:

- (a) the applicant's nominated skilled occupation is in Major Group IV in the Australian Standard Classification of Occupation, and the applicant has vocational English; or
- (b) the applicant:
 - (i) is nominated by a State or Territory specified by the Minister in an instrument in writing for this subparagraph as a State or Territory in which arrangements are established for suitable English-language training; and
 - (ii) has paid the required fee or charge for that training; and
 - (iii) has concessional competent English; or
- (c) the applicant:
 - (i) is sponsored by a person who resides in a State or Territory specified by the Minister in an

instrument in writing for this subparagraph as a State or Territory in which arrangements are established for suitable English-language training; and

- (ii) has paid the required fee or charge for that training; and
- (iii) has concessional competent English; or
- (d) the applicant has competent English.

475.22 Criteria to be satisfied at time of decision

475.221 The applicant has the qualifying score when assessed in relation to the visa under Subdivision B of Division 3 of Part 2 of the Act.

Note That Subdivision of the Act provides in sections 92 to 96 for the application of a points system, under which applicants for relevant visas are given an assessed score based on the prescribed number of points for particular attributes, which is assessed against the relevant pool mark and pass mark.

The prescribed points and the manner of their allocation are provided for in Division 2.6 and Schedule 6B of these Regulations. Pool marks and pass marks are set from time to time by the Minister by instrument (Act, section 96).

475.222 Either:

- (a) the Minister has accepted the nomination mentioned in subclause 475.213 (2); or
- (b) the sponsorship mentioned in subclause 475.213 (3) was made:
 - (i) on Form 1277 (Internet); or
 - (ii) on Form 1277:
 - (A) by posting the form (with the correct pre-paid postage) to the post office box address or other address specified by the Minister in an instrument in writing for this sub-subparagraph; or

- (B) by having the form delivered by a courier service to the address specified by the Minister in an instrument in writing for this sub-subparagraph;
and the Minister has accepted the sponsorship.
- 475.223 No evidence has become available since the time of application that the information given or used:
- (a) to meet the requirements of item 1228 of Schedule 1; or
 - (b) to obtain the skills assessment mentioned in subclause 475.212 (1); or
 - (c) to satisfy Subdivision 475.21; or
 - (d) to satisfy clause 475.221;
- was false or misleading in a material particular.
- 475.224 The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005 and 4010.
- 475.225 If the applicant has previously been in Australia, the applicant satisfies special return criteria 5001, 5002 and 5010.
- 475.226 Each person who is:
- (a) a member of the family unit; or
 - (b) the interdependent partner; or
 - (c) a dependent child of the interdependent partner;
- of the applicant, and who is also an applicant for a Subclass 475 visa, is a person who:
- (d) satisfies public interest criteria 4001, 4002, 4003, 4004, 4005 and 4010; and
 - (e) if the person has previously been in Australia — satisfies special return criteria 5001, 5002 and 5010.
- 475.227 Each member of the family unit of the applicant, who is not an applicant for a Subclass 475 visa, is a person who:
- (a) satisfies public interest criteria 4001, 4002, 4003 and 4004; and
 - (b) satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.

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- 475.228 If a person (the *additional applicant*):
- (a) is a member of the family unit, or a dependent child of the interdependent partner, of the applicant; and
 - (b) is less than 18; and
 - (c) made a combined application with the applicant;
- public interest criteria 4015 and 4016 are satisfied for the additional applicant.
- 475.229 Grant of the visa would not result in either:
- (a) the number of Subclass 475 visas granted in a financial year exceeding the maximum number of Subclass 475 visas, as determined by the Minister in an instrument in writing for this paragraph, that may be granted in that financial year; or
 - (b) the number of visas of particular classes (including Subclass 475) granted in a financial year exceeding the maximum number of visas of those classes, as determined by the Minister in an instrument in writing for this paragraph, that may be granted in that financial year.
- 475.230 The Minister is satisfied that:
- (a) the applicant is the holder of a valid passport that:
 - (i) was issued to the applicant by an official source; and
 - (ii) is in the form issued by the official source; or
 - (b) it would be unreasonable to require the applicant to be the holder of a passport.

475.3 Secondary criteria

Note These criteria must be satisfied by applicants who are members of the family unit, or the interdependent partner or dependent child of the interdependent partner, of an applicant who satisfies the primary criteria.

475.31 Criteria to be satisfied at time of application

- 475.311 The applicant:
- (a) is a member of the family unit, or the interdependent partner or a dependent child of the interdependent

partner, of a person who satisfies the primary criteria in Subdivision 475.21, and made a combined application with that person; or

- (b) is a member of the family unit, or the interdependent partner or a dependent child of the interdependent partner, of a person who is the holder of a Skilled (Provisional) (Class VF) visa on the basis of satisfying the primary criteria for the grant of a Subclass 475 visa.

475.32 Criteria to be satisfied at time of decision

475.321 The applicant continues to be:

- (a) a member of the family unit; or
- (b) the interdependent partner; or
- (c) a dependent child of the interdependent partner;

of a person who, having satisfied the primary criteria, is the holder of a Subclass 475 visa.

475.322 The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005 and 4010.

475.323 If the applicant has previously been in Australia, the applicant satisfies special return criteria 5001, 5002 and 5010.

475.324 If the applicant is less than 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.

475.325 The Minister is satisfied that:

- (a) the applicant is the holder of a valid passport that:
 - (i) was issued to the applicant by an official source; and
 - (ii) is in the form issued by the official source; or
- (b) it would be unreasonable to require the applicant to be the holder of a passport.

475.4 Circumstances applicable to grant

475.411 If the applicant who satisfied the primary criteria for the grant of the visa is also the holder of a Subclass 444 (Special

Category) visa, each applicant included in the application may be in or outside Australia when the visa is granted.

475.412 In any other case, each applicant included in the application must be outside Australia when the visa is granted.

Note The second instalment of the visa application charge must be paid before the visa can be granted.

475.5 When visa is in effect

475.511 (1) If the applicant satisfied the primary criteria for the grant of the visa, and is in Australia at the time of grant — a temporary visa permitting the holder to travel to, enter and remain in Australia until 3 years after the date of grant.

(2) If the applicant satisfied the primary criteria for the grant of the visa, and is outside Australia at the time of grant — a temporary visa permitting the holder to travel to, enter and remain in Australia until 3 years after the date of first entry.

(3) If the applicant satisfied the secondary criteria for the grant of the visa — a temporary visa permitting the holder to travel to, enter and remain in Australia until the date specified for the applicant who satisfied the primary criteria for the grant of the visa.

475.6 Conditions

475.611 If the applicant is outside Australia when the visa is granted:

- (a) first entry must be made before a date specified by the Minister for the purpose; and
- (b) if the applicant satisfies the secondary criteria for the grant of the visa, condition 8502 may be imposed; and
- (c) condition 8515 may be imposed.

475.612 If the applicant was nominated by a State or Territory government as described in subclause 475.213 (2), condition 8539 must be imposed.

475.613 If the applicant was sponsored by a person as described in subclause 475.213 (3), condition 8549 must be imposed.

475.7 Way of giving evidence

475.711 No evidence need be given.

475.712 If evidence is given, to be given by a label affixed to a valid passport.

Subclass 476 Skilled — Recognised Graduate

476.1 Interpretation

476.111 In this Part:

completed, in relation to a degree, means having met the academic requirements for the award of the degree.

degree has the same meaning as in subregulation 2.26A (6).

Note For *competent English*, see regulation 1.15C.

476.2 Primary criteria

Note The primary criteria must be satisfied by at least 1 applicant. Other applicants who are members of the family unit, or the interdependent partner or dependent child of the interdependent partner, of the applicant who satisfies the primary criteria need satisfy only the secondary criteria.

476.21 Criteria to be satisfied at time of application

476.211 The applicant:

- (a) has not previously held a Subclass 476 visa that was granted on the basis that the applicant satisfied the primary criteria for the grant of the visa; and
- (b) has not previously held a Subclass 485 (Skilled — Graduate) visa that was granted on the basis that the applicant satisfied the primary criteria for the grant of the visa.

476.212 The applicant has completed a course:

- (a) in the period of 24 months ending immediately before the day on which the application is made; and

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- (b) at an institution specified by the Minister in an instrument in writing for this paragraph;
for the award of a degree or higher qualification in a discipline specified in an instrument in writing for this clause.
- 476.213 The applicant has competent English.
- 476.22 Criteria to be satisfied at time of decision**
- 476.221 No evidence has become available since the time of application that the information given or used:
- (a) to meet the requirements of item 1228 of Schedule 1; or
 - (b) to satisfy Subdivision 476.21;
was false or misleading in a material particular.
- 476.222 The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005 and 4010.
- 476.223 If the applicant has previously been in Australia, the applicant satisfies special return criteria 5001, 5002 and 5010.
- 476.224 Each person who is:
- (a) a member of the family unit; or
 - (b) the interdependent partner; or
 - (c) a dependent child of the interdependent partner;
of the applicant, and who is also an applicant for a Subclass 476 visa, is a person who:
 - (d) satisfies public interest criteria 4001, 4002, 4003, 4004, 4005 and 4010; and
 - (e) if the person has previously been in Australia — satisfies special return criteria 5001, 5002 and 5010.
- 476.225 If a person (the *additional applicant*):
- (a) is a member of the family unit, or a dependent child of the interdependent partner, of the applicant; and
 - (b) is less than 18; and
 - (c) made a combined application with the applicant;
public interest criteria 4015 and 4016 are satisfied for the additional applicant.

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- 476.226 Grant of the visa would not result in either:
- (a) the number of Subclass 476 visas granted in a financial year exceeding the maximum number of Subclass 476 visas, as determined by the Minister in an instrument in writing for this paragraph, that may be granted in that financial year; or
 - (b) the number of visas of particular classes (including Subclass 476) granted in a financial year exceeding the maximum number of visas of those classes, as determined by the Minister in an instrument in writing for this paragraph, that may be granted in that financial year.
- 476.227 The Minister is satisfied that:
- (a) the applicant is the holder of a valid passport that:
 - (i) was issued to the applicant by an official source; and
 - (ii) is in the form issued by the official source; or
 - (b) it would be unreasonable to require the applicant to be the holder of a passport.

476.3 Secondary criteria

Note These criteria must be satisfied by applicants who are members of the family unit, or the interdependent partner or dependent child of the interdependent partner, of an applicant who satisfies the primary criteria.

476.31 Criteria to be satisfied at time of application

- 476.311 The applicant:
- (a) is a member of the family unit, or the interdependent partner or a dependent child of the interdependent partner, of a person who satisfies the primary criteria in Subdivision 476.21, and made a combined application with that person; or
 - (b) is a member of the family unit, or the interdependent partner or a dependent child of the interdependent partner, of a person who is the holder of a Skilled (Provisional) (Class VF) visa on the basis of satisfying the primary criteria for the grant of a Subclass 476 visa.

476.32 Criteria to be satisfied at time of decision

- 476.321 The applicant continues to be:
- (a) a member of the family unit; or
 - (b) the interdependent partner; or
 - (c) a dependent child of the interdependent partner;
- of a person who, having satisfied the primary criteria, is the holder of a Subclass 476 visa.
- 476.322 The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005 and 4010.
- 476.323 If the applicant has previously been in Australia, the applicant satisfies special return criteria 5001, 5002 and 5010.
- 476.324 If the applicant is less than 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.
- 476.325 The Minister is satisfied that:
- (a) the applicant is the holder of a valid passport that:
 - (i) was issued to the applicant by an official source; and
 - (ii) is in the form issued by the official source; or
 - (b) it would be unreasonable to require the applicant to be the holder of a passport.

476.4 Circumstances applicable to grant

- 476.411 If the applicant who satisfied the primary criteria for the grant of the visa is also the holder of a Subclass 444 (Special Category) visa, each applicant included in the application may be in or outside Australia when the visa is granted.
- 476.412 In any other case, each applicant included in the application must be outside Australia when the visa is granted.

Note The second instalment of the visa application charge must be paid before the visa can be granted.

476.5 When visa is in effect

476.511 Temporary visa permitting the holder to travel to, enter and remain in Australia until a date specified by the Minister.

476.6 Conditions

476.611 If the applicant is outside Australia when the visa is granted:

- (a) first entry must be made before a date specified by the Minister for the purpose; and
- (b) if the applicant satisfies the secondary criteria for the grant of the visa, condition 8502 may be imposed; and
- (c) condition 8515 may be imposed.

476.7 Way of giving evidence

476.711 No evidence need be given.

476.712 If evidence is given, to be given by a label affixed to a valid passport.

Subclass 485 Skilled — Graduate

485.1 Interpretation

485.111 In this Part:

degree has the same meaning as in subregulation 2.26A (6).

diploma has the same meaning as in subregulation 2.26A (6).

trade qualification has the same meaning as in subregulation 2.26A (6).

Note 1 For *2 year study requirement*, see regulation 1.15F.

Note 2 For *competent English*, see regulation 1.15C.

Note 3 For *registered course*, see regulation 1.03.

Note 4 For *relevant assessing authority*, see regulation 1.03.

Note 5 For *skilled occupation*, see regulation 1.03.

Note 6 For *vocational English*, see regulation 1.15B.

485.2 Primary criteria

Note The primary criteria must be satisfied by at least 1 applicant. Other applicants who are members of the family unit, or the interdependent partner or dependent child of the interdependent partner, of the applicant who satisfies the primary criteria need satisfy only the secondary criteria.

485.21 Criteria to be satisfied at time of application

485.211 The requirements of subitem 1229 (4) of Schedule 1 are met.

485.212 The applicant:

- (a) has not previously held a Subclass 476 (Skilled — Recognised Graduate) visa that was granted on the basis that the applicant satisfied the primary criteria for the grant of the visa; and
- (b) has not previously held a Subclass 485 visa that was granted on the basis that the applicant satisfied the primary criteria for the grant of the visa.

485.213 The following requirements are met:

- (a) the applicant satisfied the 2 year study requirement in the period of 6 months ending immediately before the day on which the application was made;
- (b) each degree, diploma or trade qualification used to satisfy the 2 year study requirement is closely related to the applicant's nominated skilled occupation.

485.214 The Minister is satisfied that the applicant has applied for an assessment of the applicant's skills for the nominated skilled occupation by a relevant assessing authority.

485.215 Either:

- (a) the applicant's nominated skilled occupation is in Major Group IV in the Australian Standard Classification of Occupation, and the applicant has vocational English; or
- (b) the applicant has competent English; or
- (c) the application is accompanied by evidence that the applicant has made arrangements to undergo a language test specified by the Minister in an instrument in writing for this paragraph.

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- 485.216 The application is accompanied by evidence that:
- (a) the applicant; and
 - (b) each person included in the application who is at least 16;
- has applied for an Australian Federal Police check during the 12 months immediately before the day when the application is made.
- 485.217 The application is accompanied by evidence that the applicant and each person included in the application has made arrangements to undergo a medical examination for the purpose of the application.
- 485.22 Criteria to be satisfied at time of decision**
- 485.221 (1) The skills of the applicant for the applicant's nominated skilled occupation have been assessed by the relevant assessing authority as suitable for that occupation.
- (2) If the assessment mentioned in subclause (1) is made on the basis of a qualification obtained in Australia while the applicant was the holder of a student visa, the qualification was obtained as a result of studying a registered course.
- 485.222 If the application is accompanied by evidence that the applicant has made arrangements to undergo a language test specified by the Minister in an instrument in writing for paragraph 485.215 (c):
- (a) the applicant's nominated skilled occupation is in Major Group IV in the Australian Standard Classification of Occupation, and the applicant has vocational English; or
 - (b) the applicant has competent English.
- 485.223 No evidence has become available since the time of application that the information given or used:
- (a) to meet the requirements of item 1229 of Schedule 1; or
 - (b) to satisfy Subdivision 485.21; or
 - (c) to obtain the skills assessment mentioned in subclause 485.221 (1);
- was false or misleading in a material particular.

-
- 485.224 The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005 and 4010.
- 485.225 The applicant satisfies special return criteria 5001, 5002 and 5010.
- 485.226 Each person who is:
- (a) a member of the family unit; or
 - (b) the interdependent partner; or
 - (c) a dependent child of the interdependent partner;
- of the applicant, and who is also an applicant for a Subclass 485 visa, is a person who:
- (d) satisfies public interest criteria 4001, 4002, 4003, 4004, 4005 and 4010; and
 - (e) if the person has previously been in Australia — satisfies special return criteria 5001, 5002 and 5010.
- 485.227 If a person (the *additional applicant*):
- (a) is a member of the family unit, or a dependent child of the interdependent partner, of the applicant; and
 - (b) is less than 18; and
 - (c) made a combined application with the applicant;
- public interest criteria 4015 and 4016 are satisfied for the additional applicant.
- 485.228 Grant of the visa would not result in either:
- (a) the number of Subclass 485 visas granted in a financial year exceeding the maximum number of Subclass 485 visas, as determined by the Minister in an instrument in writing for this paragraph, that may be granted in that financial year; or
 - (b) the number of visas of particular classes (including Subclass 485) granted in a financial year exceeding the maximum number of visas of those classes, as determined by the Minister in an instrument in writing for this paragraph, that may be granted in that financial year.

-
- 485.229 The Minister is satisfied that:
- (a) the applicant is the holder of a valid passport that:
 - (i) was issued to the applicant by an official source; and
 - (ii) is in the form issued by the official source; or
 - (b) it would be unreasonable to require the applicant to be the holder of a passport.

485.3 Secondary criteria

Note These criteria must be satisfied by applicants who are members of the family unit, or the interdependent partner or dependent child of the interdependent partner, of an applicant who satisfies the primary criteria.

485.31 Criteria to be satisfied at time of application

- 485.311 The applicant:
- (a) is a member of the family unit, or the interdependent partner or a dependent child of the interdependent partner, of a person who satisfies the primary criteria in Subdivision 485.21, and made a combined application with that person; or
 - (b) is a member of the family unit, or the interdependent partner or a dependent child of the interdependent partner, of a person who is the holder of a Skilled (Provisional) (Class VC) visa on the basis of satisfying the primary criteria for the grant of a Subclass 485 visa.

485.32 Criteria to be satisfied at time of decision

- 485.321 The applicant continues to be:
- (a) a member of the family unit; or
 - (b) the interdependent partner; or
 - (c) a dependent child of the interdependent partner;
- of a person who, having satisfied the primary criteria, is the holder of a Subclass 485 visa.
- 485.322 The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005 and 4010.

-
- 485.323 If the applicant has previously been in Australia, the applicant satisfies special return criteria 5001, 5002 and 5010.
- 485.324 If the applicant is less than 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.
- 485.325 The Minister is satisfied that:
- (a) the applicant is the holder of a valid passport that:
 - (i) was issued to the applicant by an official source; and
 - (ii) is in the form issued by the official source; or
 - (b) it would be unreasonable to require the applicant to be the holder of a passport.

485.4 Circumstances applicable to grant

- 485.411 (1) The applicant who satisfies the primary criteria for the grant of the visa, and each applicant who made a combined application with the applicant, must be in Australia when the visa is granted.

(2) In any other case, the applicant may be in or outside Australia when the visa is granted.

Note The second instalment of the visa application charge must be paid before the visa can be granted.

485.5 When visa is in effect

- 485.511 Temporary visa permitting the holder to travel to, enter and remain in Australia until a date specified by the Minister.

485.6 Conditions

- 485.611 Condition 8501 may be imposed.

485.7 Way of giving evidence

- 485.711 No evidence need be given.
- 485.712 If evidence is given, to be given by a label affixed to a valid passport.

Subclass 487 Skilled — Regional Sponsored

487.1 Interpretation

487.111 In this Part:

degree has the same meaning as in subregulation 2.26A (6).

designated area means an area specified by the Minister in an instrument in writing under item 6701 of Schedule 6 as a designated area.

diploma has the same meaning as in subregulation 2.26A (6).

trade qualification has the same meaning as in subregulation 2.26A (6).

Note 1 For *2 year study requirement*, see regulation 1.15F.

Note 2 For *competent English*, see regulation 1.15C.

Note 3 For *concessional competent English*, see regulation 1.15E.

Note 4 For *relevant assessing authority*, see regulation 1.03.

Note 5 For *skilled occupation*, see regulation 1.03.

Note 6 For *vocational English*, see regulation 1.15B.

487.2 Primary criteria

Note The primary criteria must be satisfied by at least 1 applicant. Other applicants who are members of the family unit, or the interdependent partner or dependent child of the interdependent partner, of the applicant who satisfies the primary criteria need satisfy only the secondary criteria.

487.21 Criteria to be satisfied at time of application

487.211 For an applicant who met the requirements of subitem 1229 (8) of Schedule 1, no requirements of this Subdivision need be met.

487.212 (1) The applicant meets the requirements of subclause (2), (3), (4) or (5).

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- (2) The applicant met the requirements of subitem 1229 (4) of Schedule 1, and:
- (a) the applicant satisfied the 2 year study requirement in the period of 6 months ending immediately before the day on which the application was made; and
 - (b) each degree, diploma or trade qualification used to satisfy the 2 year study requirement is closely related to the applicant's nominated skilled occupation.
- (3) The applicant met the requirements of subclause 1229 (5) of Schedule 1, and:
- (a) if the applicant holds a Subclass 476 (Skilled — Recognised Graduate) visa, the qualification used to obtain that visa is closely related to the applicant's nominated skilled occupation; or
 - (b) if the applicant holds a Subclass 485 (Skilled — Graduate) visa, each degree, diploma or trade qualification used to satisfy the 2 year study requirement to obtain that visa applicant is closely related to the applicant's nominated skilled occupation.
- (4) The applicant met the requirements of subitem 1229 (6) of Schedule 1, and:
- (a) the applicant must have completed the apprenticeship for which the Subclass 471 (Trade Skills Training) visa was granted; and
 - (b) the apprenticeship is closely related to the applicant's nominated skilled occupation.
- (5) The applicant met the requirements of subitem 1229 (7) of Schedule 1, and:
- (a) if the applicant holds a Subclass 417 (Working Holiday) visa, the applicant must have held that visa for at least 6 months; or
 - (b) if the applicant holds a Subclass 442 (Occupational Trainee) visa, the applicant must have completed the traineeship for which the visa was granted.
- 487.213 (1) The requirements of subclause (2) or (3) are met.

-
- (2) The applicant has indicated that the applicant is nominated by a State or Territory government agency.
- (3) The applicant has indicated that the applicant, and all persons included in the application, are sponsored by a person who:
- (a) has turned 18; and
 - (b) is an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen; and
 - (c) is usually resident in a designated area of Australia; and
 - (d) is related to the applicant, the applicant's spouse (if the applicant's spouse is also an applicant for a Subclass 487 visa), or the applicant's interdependent partner (if the applicant's interdependent partner is also an applicant for a Subclass 487 visa), as:
 - (i) a parent; or
 - (ii) a child, an adopted child, or a step-child; or
 - (iii) a brother or sister, an adoptive brother or sister, or a step-brother or step-sister; or
 - (iv) an aunt or uncle, an adoptive aunt or uncle, or a step-aunt or step-uncle; or
 - (v) a nephew or niece, an adoptive nephew or niece, or a step-nephew or step-niece; or
 - (vi) a grandparent or first cousin.
- 487.214 The Minister is satisfied that the applicant has applied for an assessment of the applicant's skills for the nominated skilled occupation by a relevant assessing authority.
- 487.215 Either:
- (a) the applicant's nominated skilled occupation is in Major Group IV in the Australian Standard Classification of Occupation, and the applicant has vocational English; or
 - (b) the applicant:
 - (i) is nominated by a State or Territory specified by the Minister in an instrument in writing for this subparagraph as a State or Territory in which arrangements are established for suitable English-language training; and

- (ii) has paid the required fee or charge for that training; and
 - (iii) has concessional competent English; or
 - (c) the applicant:
 - (i) is sponsored by a person who resides in a State or Territory specified by the Minister in an instrument in writing for this subparagraph as a State or Territory in which arrangements are established for suitable English-language training; and
 - (ii) has paid the required fee or charge for that training; and
 - (iii) has concessional competent English; or
 - (d) the applicant has competent English; or
 - (e) the application is accompanied by evidence that the applicant has made arrangements to undergo a language test specified by the Minister in an instrument in writing for this paragraph.
- 487.216 The application is accompanied by evidence that:
- (a) the applicant; and
 - (b) each person included in the application who is at least 16;
- has applied for an Australian Federal Police check during the 12 months immediately before the day when the application is made.
- 487.217 The application is accompanied by evidence that the applicant and each person included in the application has made arrangements to undergo a medical examination for the purpose of the application.
- 487.22 Criteria to be satisfied at time of decision**
- 487.221 If the requirements of subitem 1229 (8) of Schedule 1 have been met, clauses 487.226 to 487.234 only must be satisfied.
- 487.222 The applicant has the qualifying score when assessed in relation to the visa under Subdivision B of Division 3 of Part 2 of the Act.

Note That Subdivision of the Act provides in sections 92 to 96 for the application of a points system, under which applicants for relevant visas are given an assessed score based on the prescribed number of points for particular attributes, which is assessed against the relevant pool mark and pass mark.

The prescribed points and the manner of their allocation are provided for in Division 2.6 and Schedule 6B of these Regulations. Pool marks and pass marks are set from time to time by the Minister by instrument (Act, section 96).

- 487.223 (1) The skills of the applicant have been assessed by the relevant assessing authority as suitable for the applicant's nominated skilled occupation.
- (2) If the assessment mentioned in subclause (1) is made on the basis of a qualification obtained in Australia while the applicant was the holder of a student visa, the qualification was obtained as a result of studying a registered course.
- 487.224 If the application is accompanied by evidence that the applicant has made arrangements to undergo a language test specified by the Minister in an instrument in writing for paragraph 487.215 (e):
- (a) the applicant's nominated skilled occupation is in Major Group IV in the Australian Standard Classification of Occupation, and the applicant has vocational English; or
 - (b) the applicant:
 - (i) is nominated by a State or Territory specified by the Minister in an instrument in writing for this subparagraph as a State or Territory in which arrangements are established for suitable English-language training; and
 - (ii) has paid the required fee or charge for that training; and
 - (iii) has concessional competent English; or
 - (c) the applicant:
 - (i) is sponsored by a person who resides in a State or Territory specified by the Minister in an instrument in writing for this subparagraph as a State or Territory in which arrangements are established for suitable English-language training; and

-
- (ii) has paid the required fee or charge for that training; and
- (iii) has concessional competent English; or
- (d) the applicant has competent English.
- 487.225 Either of the following requirements is met:
- (a) the Minister has accepted the nomination mentioned in subclause 487.213 (2); or
- (b) the sponsorship mentioned in subclause 487.213 (3) was made:
- (i) on Form 1277 (Internet), and the Minister has accepted the sponsorship; or
- (ii) on Form 1277:
- (A) by posting the form (with the correct pre-paid postage) to the post office box address or other address specified by the Minister in an instrument in writing for this sub-subparagraph; or
- (B) by having the form delivered by a courier service to the address specified by the Minister in an instrument in writing for this sub-subparagraph;
- and the Minister has accepted the sponsorship.
- 487.226 The applicant, and each person included in the application, who made the application on the basis of being the holder of:
- (a) a Skilled — Independent Regional (Provisional) (Class UX) visa; or
- (b) a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa; or
- (c) a Subclass 475 (Skilled — Regional Sponsored) visa; or
- (d) a Subclass 487 (Skilled — Regional Sponsored) visa;
- has substantially complied with the conditions to which that visa is or was subject.

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- 487.227 No evidence has become available since the time of application that the information given or used:
- (a) to satisfy any part of the assessment of eligibility of the applicant for:
 - (i) a Subclass 495 (Skilled — Independent Regional (Provisional)) visa; or
 - (ii) a Subclass 496 (Skilled — Designated Area-sponsored (Provisional)) visa;
 - (iii) a Subclass 475 (Skilled — Regional Sponsored) visa; or
 - (iv) a Subclass 487 (Skilled — Regional Sponsored) visa; or
 - (b) to meet the requirements of item 1229 of Schedule 1; or
 - (c) to satisfy Subdivision 487.21; or
 - (d) to satisfy clause 487.222; or
 - (e) to obtain the skills assessment mentioned in subclause 487.223 (1);
- was false or misleading in a material particular.
- 487.228 The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005 and 4010.
- 487.229 The applicant satisfies special return criteria 5001, 5002 and 5010.
- 487.230 Each person who is:
- (a) a member of the family unit; or
 - (b) the interdependent partner; or
 - (c) a dependent child of the interdependent partner;
- of the applicant, and who is also an applicant for a Subclass 487 visa, is a person who:
- (d) satisfies public interest criteria 4001, 4002, 4003, 4004, 4005 and 4010; and
 - (e) satisfies special return criteria 5001, 5002 and 5010.
- 487.231 Each member of the family unit of the applicant who is not an applicant for a Subclass 487 visa is a person who:
- (a) satisfies public interest criteria 4001, 4002, 4003 and 4004; and

-
- (b) satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.
- 487.232 If a person (the *additional applicant*):
- (a) is a member of the family unit, or a dependent child of the interdependent partner, of the applicant; and
 - (b) is less than 18; and
 - (c) made a combined application with the applicant; public interest criteria 4015 and 4016 are satisfied for the additional applicant.
- 487.233 Grant of the visa would not result in either:
- (a) the number of Subclass 487 visas granted in a financial year exceeding the maximum number of Subclass 487 visas, as determined by the Minister in an instrument in writing for this paragraph, that may be granted in that financial year; or
 - (b) the number of visas of particular classes (including Subclass 487) granted in a financial year exceeding the maximum number of visas of those classes, as determined by the Minister in an instrument in writing for this paragraph, that may be granted in that financial year.
- 487.234 The Minister is satisfied that:
- (a) the applicant is the holder of a valid passport that:
 - (i) was issued to the applicant by an official source; and
 - (ii) is in the form issued by the official source; or
 - (b) it would be unreasonable to require the applicant to be the holder of a passport.

487.3 Secondary criteria

Note These criteria must be satisfied by applicants who are members of the family unit, or the interdependent partner or dependent child of the interdependent partner, of an applicant who satisfies the primary criteria.

487.31 Criteria to be satisfied at time of application

487.311 The applicant:

- (a) is a member of the family unit, or the interdependent partner or a dependent child of the interdependent partner, of a person who satisfies the primary criteria in Subdivision 487.21, and made a combined application with that person; or
- (b) is a member of the family unit, or the interdependent partner or a dependent child of the interdependent partner, of a person who is the holder of a Skilled (Provisional) (Class VC) visa on the basis of satisfying the primary criteria for the grant of a Subclass 487 visa.

487.32 Criteria to be satisfied at time of decision

487.321 The applicant continues to be:

- (a) a member of the family unit; or
- (b) the interdependent partner; or
- (c) a dependent child of the interdependent partner;

of a person who, having satisfied the primary criteria, is the holder of a Subclass 487 visa.

487.322 If the applicant made the application on the basis of being the holder of:

- (a) a Skilled — Independent Regional (Provisional) (Class UX) visa; or
 - (b) a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa; or
 - (c) a Subclass 475 (Skilled — Regional Sponsored) visa; or
 - (d) a Subclass 487 (Skilled — Regional Sponsored) visa;
- the applicant has substantially complied with the conditions to which that visa is or was subject.

487.323 If the applicant is less than 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.

487.324 The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005 and 4010.

487.325 If the applicant has previously been in Australia, the applicant satisfies special return criteria 5001, 5002 and 5010.

487.326 The Minister is satisfied that:

- (a) the applicant is the holder of a valid passport that:
 - (i) was issued to the applicant by an official source; and
 - (ii) is in the form issued by the official source; or
- (b) it would be unreasonable to require the applicant to be the holder of a passport.

487.4 Circumstances applicable to grant

487.411 (1) The applicant who satisfies the primary criteria for the grant of the visa, and each applicant who made a combined application with the applicant, must be in Australia when the visa is granted.

(2) In any other case, the applicant may be in or outside Australia when the visa is granted.

Note The second instalment of the visa application charge must be paid before the visa can be granted.

487.5 When visa is in effect

487.511 (1) If:

- (a) the applicant is in Australia at the time of application; and
- (b) at the time of application, the applicant held any of the following visas:
 - (i) a Skilled — Independent Regional (Provisional) (Class UX) visa; or
 - (ii) a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa; or
 - (iii) a Subclass 475 (Skilled — Regional Sponsored) visa; or
 - (iv) a Subclass 487 (Skilled — Regional Sponsored) visa;

temporary visa permitting the holder to travel to, enter and remain in Australia until 48 months after the date of grant of the visa mentioned in paragraph (b).

(2) In any other case:

- (a) if the applicant satisfied the primary criteria for the grant of the visa — temporary visa permitting the holder to travel to, enter and remain in Australia until 3 years after the date of grant; or
- (b) if the applicant satisfied the secondary criteria for the grant of the visa — temporary visa permitting the holder to travel to, enter and remain in Australia until the date specified for the applicant who satisfies the primary criteria for the grant of the visa.

487.6 Conditions

487.611 If the applicant is outside Australia when the visa is granted:

- (a) first entry must be made before a date specified by the Minister for the purpose; and
- (b) if the applicant satisfies the secondary criteria for the grant of the visa, condition 8502 may be imposed; and
- (c) condition 8515 may be imposed.

487.612 If the applicant who satisfied the primary criteria for the grant of the visa was nominated by a State or Territory government as described in subclause 487.213 (2), condition 8539 must be imposed.

487.613 If the applicant who satisfied the primary criteria for the grant of the visa was sponsored by a person as described in subclause 487.213 (3), condition 8549 must be imposed.

487.614 (1) If:

- (a) the applicant met the requirements of subitem 1229 (8) of Schedule 1; and
- (b) condition 8539 was imposed on the visa mentioned in that subitem;

condition 8539 must be imposed.

-
- (2) If:
- (a) the applicant met the requirements of subitem 1229 (8) of Schedule 1; and
 - (b) condition 8549 was imposed on the visa mentioned in that subitem;
- condition 8549 must be imposed.

487.7 Way of giving evidence

487.711 No evidence need be given.

487.712 If evidence is given, to be given by a label affixed to a valid passport.

[78] Before clause 495.210

insert

495.210A The application must be made before 1 September 2007.

[79] Before clause 496.211

insert

496.210 The application must be made before 1 September 2007.

[80] Before clause 497.211

insert

497.210 The application must be made before 1 September 2007.

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

insert

(ia) Subclass 485 (Skilled — Graduate) visa;

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

insert

(BA) Subclass 485 (Skilled — Graduate) visa;

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- [83] After subparagraph 572.312 (2) (d) (ii)**
insert
(ia) Subclass 485 (Skilled — Graduate) visa;
- [84] After subparagraph 573.211 (2) (d) (ii)**
insert
(ia) Subclass 485 (Skilled — Graduate) visa;
- [85] After sub-subparagraph 573.227 (c) (iii) (B)**
insert
(BA) Subclass 485 (Skilled — Graduate) visa;
- [86] After subparagraph 573.312 (2) (d) (ii)**
insert
(ia) Subclass 485 (Skilled — Graduate) visa;
- [87] After subparagraph 574.211 (2) (d) (ii)**
insert
(ia) Subclass 485 (Skilled — Graduate) visa;
- [88] After sub-subparagraph 574.227 (c) (iii) (B)**
insert
(BA) Subclass 485 (Skilled — Graduate) visa;
- [89] After subparagraph 574.312 (2) (d) (ii)**
insert
(ia) Subclass 485 (Skilled — Graduate) visa;

[90] Paragraph 773.213 (2) (zt)

omit

(Class CC).

insert

(Class CC);

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

insert

(zu) Skilled (Residence) (Class VB);

(zv) Skilled (Migrant) (Class VE).

[92] Paragraph 773.213 (3) (p)

omit

(Class UX).

insert

(Class UX);

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

insert

(q) Skilled (Provisional) (Class VC);

(r) Skilled (Provisional) (Class VF).

[94] Clause 820.212

substitute

820.212 If:

(a) the applicant is the holder of:

(i) a Skilled — Independent Regional (Provisional) (Class UX) visa; or

(ii) a Subclass 475 (Skilled — Regional Sponsored) visa; or

-
- (iii) a Subclass 487 (Skilled — Regional Sponsored) visa; or
 - (b) the last substantive visa held by the applicant since entering Australia was:
 - (i) a Skilled — Independent Regional (Provisional) (Class UX) visa; or
 - (ii) a Subclass 475 (Skilled — Regional Sponsored) visa; or
 - (iii) a Subclass 487 (Skilled — Regional Sponsored) visa;
- the applicant has substantially complied with the conditions to which that visa was subject.

[95] Clause 855.111, after note 3

insert

Note 3A For *competent English*, see regulation 1.15C.

[96] Paragraph 855.212 (4) (d)

omit

visa.

insert

visa; or

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

insert

- (e) a Subclass 476 (Skilled — Recognised Graduate) visa;
or
- (f) a Subclass 485 (Skilled — Graduate) visa.

[98] Paragraph 855.213 (2) (c)

substitute

- (c) unless exceptional circumstances apply:
 - (i) the applicant is less than 45; or

- (ii) in the case of an applicant mentioned in subparagraph 1121A (2) (a) (ii) or (iii) of Schedule 1 — the applicant was less than 45 at the time of application for the Skilled (Residence) (Class VB) visa or the Skilled (Migrant) (Class VE) visa; and

[99] Paragraph 855.213 (4) (c)

substitute

(c) unless exceptional circumstances apply:

- (i) the applicant is less than 45; or
- (ii) in the case of an applicant mentioned in subparagraph 1121A (2) (a) (ii) or (iii) of Schedule 1 — the applicant was less than 45 at the time of application for the Skilled (Residence) (Class VB) visa or the Skilled (Migrant) (Class VE) visa; and

[100] After clause 855.213

insert

855.214 In the case of an applicant mentioned in subparagraph 1121A (2) (a) (ii) or (iii) of Schedule 1:

- (a) the applicant has competent English; and
- (b) the applicant has a diploma (within the meaning of subregulation 2.26A (6)) or higher qualification.

[101] Clause 856.111, note

substitute

Note 1 For **award course**, see regulation 1.03.

Note 2 For **approved appointment**, see regulation 5.19.

Note 3 For **category A course**, see regulation 1.03.

Note 4 For **category B student**, see regulation 1.03.

Note 5 For **competent English**, see regulation 1.15C.

Note 6 For *diploma*, see subregulation 2.26A (6).

Note 7 For *vocational English*, see regulation 1.15B.

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

omit

(Class UP); or

insert

(Class UP);

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

insert

- (x) Skilled — Independent Regional (Provisional) (Class UX);
- (xi) Skilled (Provisional) (Class VC);
- (xii) Skilled (Provisional) (Class VF); or

[104] Paragraph 856.213 (c)

substitute

(c) either:

- (i) in the case of an applicant mentioned in subparagraph 1114A (2) (a) (iii) or (iv) of Schedule 1 — the applicant:
 - (A) is less than 45 at the time of the application for a Skilled (Residence) (Class VB) visa or a Skilled (Migrant) (Class VE) visa; and
 - (B) has competent English; and
 - (C) has a diploma (within the meaning of subregulation 2.26A (6)) or higher qualification; or
- (ii) in any other case — unless exceptional circumstances apply, the applicant:
 - (A) is less than 45; and
 - (B) has vocational English.

[105] Paragraph 856.223 (a)

substitute

(a) either:

(i) if the applicant was the holder, at the time of application, of:

(A) a Skilled — Independent Regional
(Provisional) (Class UX) visa; or

(B) a Subclass 475 (Skilled — Regional
Sponsored) visa; or

(C) a Subclass 487 (Skilled — Regional
Sponsored) visa; or

(ii) if the applicant resides or proposes to reside in a participating State or Territory;
public interest criterion 4007; or

[106] Paragraph 856.225 (1) (a)

substitute

(a) either:

(i) if the applicant was the holder, at the time of application, of:

(A) a Skilled — Independent Regional
(Provisional) (Class UX) visa; or

(B) a Subclass 475 (Skilled — Regional
Sponsored) visa; or

(C) a Subclass 487 (Skilled — Regional
Sponsored) visa; or

(ii) if the applicant resides or proposes to reside in a participating State or Territory;
public interest criterion 4007; or

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

substitute

- (i) if:
 - (A) the applicant was the holder, at the time of application, of:
 - (I) a Skilled — Independent Regional (Provisional) (Class UX) visa; or
 - (II) a Subclass 475 (Skilled — Regional Sponsored) visa; or
 - (III) a Subclass 487 (Skilled — Regional Sponsored) visa; or
 - (B) the applicant resides or proposes to reside in a participating State or Territory;
- satisfies 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; or

[108] Paragraph 856.322 (a)

substitute

- (a) either:
 - (i) if the applicant was the holder, at the time of application, of:
 - (A) a Skilled — Independent Regional (Provisional) (Class UX) visa; or
 - (B) a Subclass 475 (Skilled — Regional Sponsored) visa; or
 - (C) a Subclass 487 (Skilled — Regional Sponsored) visa; or
 - (ii) if the applicant resides or proposes to reside in a participating State or Territory;
- public interest criterion 4007; or

[109] Clause 857.111, after note 4

insert

Note 4A For *competent English*, see regulation 1.15C.

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

omit

(Class UP); or

insert

(Class UP);

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

insert

(xi) Skilled (Provisional) (Class VC);

(xii) Skilled (Provisional) (Class VF); or

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

insert

(ia) if the applicant is mentioned in subparagraph 1114A (2) (a) (iii) or (iv) of Schedule 1:

(A) the applicant was less than 45 at the time of the application for a Skilled (Residence) (Class VB) visa or a Skilled (Migrant) (Class VE) visa; and

(B) the applicant has competent English; and

(C) the applicant has a diploma (within the meaning of subregulation 2.26A (6)) or higher qualification that is, unless the appointment is exceptional, relevant to the appointment; or

[113] Clauses 857.215 and 857.215A

omit

[114] Clause 857.216

substitute

857.216 If:

- (a) the applicant is the holder of:
 - (i) a Skilled — Independent Regional (Provisional) (Class UX) visa; or
 - (ii) a Subclass 475 (Skilled — Regional Sponsored) visa; or
 - (iii) a Subclass 487 (Skilled — Regional Sponsored) visa; or
- (b) the last substantive visa held by the applicant since last entering Australia was:
 - (i) a Skilled — Independent Regional (Provisional) (Class UX) visa; or
 - (ii) a Subclass 475 (Skilled — Regional Sponsored) visa; or
 - (iii) a Subclass 487 (Skilled — Regional Sponsored) visa;

the applicant has substantially complied with the conditions of that visa.

[115] Paragraph 857.223 (a)

substitute

- (a) either:
 - (i) if the applicant was the holder, at the time of application, of:
 - (A) a Skilled — Independent Regional (Provisional) (Class UX) visa; or
 - (B) a Subclass 475 (Skilled — Regional Sponsored) visa; or
 - (C) a Subclass 487 (Skilled — Regional Sponsored) visa; or
 - (ii) if the applicant resides or proposes to reside in a participating State or Territory;
public interest criterion 4007; or

[116] Paragraph 857.225 (1) (a)

substitute

(a) either:

(i) if the applicant was the holder, at the time of application, of:

(A) a Skilled — Independent Regional (Provisional) (Class UX) visa; or

(B) a Subclass 475 (Skilled — Regional Sponsored) visa; or

(C) a Subclass 487 (Skilled — Regional Sponsored) visa; or

(ii) if the applicant resides or proposes to reside in a participating State or Territory;
public interest criterion 4007; or

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

substitute

(B) the member was the holder, at the time of application, of:

(I) a Skilled — Independent Regional (Provisional) (Class UX) visa; or

(II) a Subclass 475 (Skilled — Regional Sponsored) visa; or

(III) a Subclass 487 (Skilled — Regional Sponsored) visa;

[118] Clause 857.314

substitute

857.314 If:

(a) the applicant is the holder of:

(i) a Skilled — Independent Regional (Provisional) (Class UX) visa; or

(ii) a Subclass 475 (Skilled — Regional Sponsored) visa; or

- (iii) a Subclass 487 (Skilled — Regional Sponsored) visa; or
 - (b) the last substantive visa held by the applicant since last entering Australia was:
 - (i) a Skilled — Independent Regional (Provisional) (Class UX) visa; or
 - (ii) a Subclass 475 (Skilled — Regional Sponsored) visa; or
 - (iii) a Subclass 487 (Skilled — Regional Sponsored) visa;
- the applicant has complied with the conditions of that visa.

[119] Subparagraph 857.322 (a) (ii)

substitute

- (ii) was the holder, at the time of application, of:
 - (A) a Skilled — Independent Regional (Provisional) (Class UX) visa; or
 - (B) a Subclass 475 (Skilled — Regional Sponsored) visa; or
 - (C) a Subclass 487 (Skilled — Regional Sponsored) visa;

[120] Before clause 861.212

insert

861.210 The application must be made before 1 September 2007.

[121] Before clause 862.211

insert

862.210 The application must be made before 1 September 2007.

[122] Before clause 863.211

insert

863.210 The application must be made before 1 September 2007.

[123] Before clause 880.211

insert

880.210 The application must be made before 1 September 2007.

[124] Before clause 881.211

insert

881.210 The application must be made before 1 September 2007.

[125] Before clause 882.211

insert

882.210 The application must be made before 1 September 2007.

[126] Before clause 883.211

insert

883.210 The application must be made before 1 September 2007.

[127] After Part 884

insert

Subclass 885 Skilled — Independent

885.1 Interpretation

885.111 In this Part:

degree has the same meaning as in subregulation 2.26A (6).

diploma has the same meaning as in subregulation 2.26A (6).

trade qualification has the same meaning as in subregulation 2.26A (6).

Note 1 For *2 year study requirement*, see regulation 1.15F.

Note 2 For *competent English*, see regulation 1.15C.

Note 3 For *registered course*, see regulation 1.03.

Note 4 For *relevant assessing authority*, see regulation 1.03.

Note 5 For *skilled occupation*, see regulation 1.03.

Note 6 For *vocational English*, see regulation 1.15B.

885.2 Primary criteria

Note The primary criteria must be satisfied by at least 1 applicant. Other applicants who are members of the family unit, or the interdependent partner or dependent child of the interdependent partner, of the applicant who satisfies the primary criteria need satisfy only the secondary criteria.

885.21 Criteria to be satisfied at time of application

- 885.211 (1) The applicant meets the requirements of subclause (2), (3) or (4).
- (2) The applicant met the requirements of subitem 1136 (4) of Schedule 1, and:
- (a) the applicant satisfied the 2 year study requirement in the period of 6 months ending immediately before the day on which the application was made; and
 - (b) each degree, diploma or trade qualification used to satisfy the 2 year study requirement is closely related to the applicant's nominated skilled occupation.
- (3) The applicant met the requirements of subitem 1136 (5) of Schedule 1, and:
- (a) if the applicant holds a Subclass 476 (Skilled — Recognised Graduate) visa, the qualification used to obtain that visa is closely related to the applicant's nominated skilled occupation; or
 - (b) if the applicant holds a Subclass 485 (Skilled — Graduate) visa, each degree, diploma or trade qualification used to satisfy the 2 year study requirement to obtain that visa is closely related to the applicant's nominated skilled occupation.

-
- (4) The applicant met the requirements of subitem 1136 (6) of Schedule 1, and:
- (a) the applicant must have completed the apprenticeship for which the Subclass 471 (Trade Skills Training) visa was granted; and
 - (b) the apprenticeship is closely related to the applicant's nominated skilled occupation.
- 885.212 The Minister is satisfied that the applicant has applied for an assessment of the applicant's skills for the nominated skilled occupation by a relevant assessing authority.
- 885.213 Either:
- (a) the applicant's nominated skilled occupation is in Major Group IV in the Australian Standard Classification of Occupation, and the applicant has vocational English; or
 - (b) the applicant has competent English.
- 885.214 The application is accompanied by evidence that:
- (a) the applicant; and
 - (b) each person included in the application who is at least 16;
- has applied for an Australian Federal Police check during the 12 months immediately before the day when the application is made.
- 885.215 The application is accompanied by evidence that the applicant and each person included in the application has made arrangements to undergo a medical examination for the purpose of the application.
- 885.22 Criteria to be satisfied at time of decision**
- 885.221 The applicant has the qualifying score when assessed in relation to the visa under Subdivision B of Division 3 of Part 2 of the Act.
- Note* That Subdivision of the Act provides in sections 92 to 96 for the application of a points system, under which applicants for relevant visas are given an assessed score based on the prescribed number of points for particular attributes, which is assessed against the relevant pool mark and pass mark.

The prescribed points and the manner of their allocation are provided for in Division 2.6 and Schedule 6B of these Regulations. Pool marks and pass marks are set from time to time by the Minister by instrument (Act, section 96).

- 885.222 (1) The skills of the applicant have been assessed by the relevant assessing authority as suitable for the applicant's nominated skilled occupation.
- (2) If the assessment mentioned in subclause (1) is made on the basis of a qualification obtained in Australia while the applicant was the holder of a student visa, the qualification was obtained as a result of studying a registered course.
- 885.223 No evidence has become available since the time of application that the information given or used:
- (a) to meet the requirements of item 1136 of Schedule 1; or
 - (b) to satisfy Subdivision 885.21; or
 - (c) to satisfy clause 885.221; or
 - (d) to obtain the skills assessment mentioned in subclause 885.222 (1);
- was false or misleading in a material particular.
- 885.224 The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005 and 4010.
- 885.225 The applicant satisfies special return criteria 5001, 5002 and 5010.
- 885.226 Each person who is:
- (a) a member of the family unit; or
 - (b) the interdependent partner; or
 - (c) a dependent child of the interdependent partner;
- of the applicant, and who is also an applicant for a Subclass 885 visa, is a person who:
- (d) satisfies public interest criteria 4001, 4002, 4003, 4004, 4005 and 4010; and
 - (e) satisfies special return criteria 5001, 5002 and 5010.

-
- 885.227 Each member of the family unit of the applicant, who is not an applicant for a Subclass 885 visa, is a person who:
- (a) satisfies public interest criteria 4001, 4002, 4003 and 4004; and
 - (b) satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.
- 885.228 If a person (the *additional applicant*):
- (a) is a member of the family unit, or a dependent child of the interdependent partner, of the applicant; and
 - (b) is less than 18; and
 - (c) made a combined application with the applicant;
- public interest criteria 4015 and 4016 are satisfied for the additional applicant.
- 885.229 Grant of the visa would not result in either:
- (a) the number of Subclass 885 visas granted in a financial year exceeding the maximum number of Subclass 885 visas, as determined by the Minister in an instrument in writing for this paragraph, that may be granted in that financial year; or
 - (b) the number of visas of particular classes (including Subclass 885) granted in a financial year exceeding the maximum number of visas of those classes, as determined by the Minister in an instrument in writing for this paragraph, that may be granted in that financial year.
- 885.230 The Minister is satisfied that:
- (a) the applicant is the holder of a valid passport that:
 - (i) was issued to the applicant by an official source; and
 - (ii) is in the form issued by the official source; or
 - (b) it would be unreasonable to require the applicant to be the holder of a passport.

885.3 Secondary criteria

Note These criteria must be satisfied by applicants who are members of the family unit, or the interdependent partner or dependent child of the interdependent partner, of an applicant who satisfies the primary criteria.

885.31 Criteria to be satisfied at time of application

885.311 The applicant is:

- (a) a member of the family unit; or
- (b) the interdependent partner; or
- (c) a dependent child of the interdependent partner;

of a person who satisfies the primary criteria in Subdivision 885.21 and made a combined application with that person.

885.32 Criteria to be satisfied at time of decision

885.321 The applicant continues to be:

- (a) a member of the family unit; or
- (b) the interdependent partner; or
- (c) a dependent child of the interdependent partner;

of a person who, having satisfied the primary criteria, is the holder of a Subclass 885 visa.

885.322 The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005 and 4010.

885.323 The applicant satisfies special return criteria 5001, 5002 and 5010.

885.324 If the applicant is less than 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.

885.325 The Minister is satisfied that:

- (a) the applicant is the holder of a valid passport that:
 - (i) was issued to the applicant by an official source; and
 - (ii) is in the form issued by the official source; or
- (b) it would be unreasonable to require the applicant to be the holder of a passport.

885.4 Circumstances applicable to grant

885.411 The applicant must be in Australia when the visa is granted.

Note The second instalment of the visa application charge must be paid before the visa can be granted.

885.5 When visa is in effect

885.511 Permanent visa permitting the holder to travel to and enter Australia for 5 years from the date of grant.

885.6 Conditions: Nil.

885.7 Way of giving evidence

885.711 No evidence need be given.

885.712 If evidence is given, to be given by a label affixed to a valid passport.

Subclass 886 Skilled — Sponsored

886.1 Interpretation

886.111 In this Part:

degree has the same meaning as in subregulation 2.26A (6).

diploma has the same meaning as in subregulation 2.26A (6).

trade qualification has the same meaning as in subregulation 2.26A (6).

Note 1 For *2 year study requirement*, see regulation 1.15F.

Note 2 For *competent English*, see regulation 1.15C.

Note 3 For *registered course*, see regulation 1.03.

Note 4 For *relevant assessing authority*, see regulation 1.03.

Note 5 For *skilled occupation*, see regulation 1.03.

Note 6 For *vocational English*, see regulation 1.15B.

886.2 Primary criteria

Note The primary criteria must be satisfied by at least 1 applicant. Other applicants who are members of the family unit, or the interdependent partner or dependent child of the interdependent partner, of the applicant who satisfies the primary criteria need satisfy only the secondary criteria.

886.21 Criteria to be satisfied at time of application

- 886.211 (1) The applicant meets the requirements of subclause (2), (3) or (4).
- (2) The applicant met the requirements of subitem 1136 (4) of Schedule 1, and:
- (a) the applicant satisfied the 2 year study requirement in the period of 6 months ending immediately before the day on which the application was made; and
 - (b) each degree, diploma or trade qualification used to satisfy the 2 year study requirement is closely related to the applicant's nominated skilled occupation.
- (3) The applicant met the requirements of subitem 1136 (5) of Schedule 1, and:
- (a) if the applicant holds a Subclass 476 (Skilled — Recognised Graduate) visa, the qualification used to obtain that visa is closely related to the applicant's nominated skilled occupation; or
 - (b) if the applicant holds a Subclass 485 (Skilled — Graduate) visa, each degree, diploma or trade qualification used to satisfy the 2 year study requirement to obtain that visa applicant is closely related to the applicant's nominated skilled occupation.
- (4) The applicant met the requirements of subitem 1136 (6) of Schedule 1, and:
- (a) the applicant must have completed the apprenticeship for which the Subclass 471 (Trade Skills Training) visa was granted; and
 - (b) the apprenticeship is closely related to the applicant's nominated skilled occupation.

-
- 886.212 The Minister is satisfied that the applicant has applied for an assessment of the applicant's skills for the nominated skilled occupation by a relevant assessing authority.
- 886.213 Either:
- (a) the applicant's nominated skilled occupation is in Major Group IV in the Australian Standard Classification of Occupation, and the applicant has vocational English; or
 - (b) the applicant has competent English.
- 886.214 The application is accompanied by evidence that:
- (a) the applicant; and
 - (b) each person included in the application who is at least 16;
- has applied for an Australian Federal Police check during the 12 months immediately before the day when the application is made.
- 886.215 The application is accompanied by evidence that the applicant and each person included in the application has made arrangements to undergo a medical examination for the purpose of the application.
- 886.22 Criteria to be satisfied at time of decision**
- 886.221 The applicant has the qualifying score when assessed in relation to the visa under Subdivision B of Division 3 of Part 2 of the Act.
- Note* That Subdivision of the Act provides in sections 92 to 96 for the application of a points system, under which applicants for relevant visas are given an assessed score based on the prescribed number of points for particular attributes, which is assessed against the relevant pool mark and pass mark.
- The prescribed points and the manner of their allocation are provided for in Division 2.6 and Schedule 6B of these Regulations. Pool marks and pass marks are set from time to time by the Minister by instrument (Act, section 96).
- 886.222 (1) The requirements of subclause (2) or (3) are met.
- (2) Both of the following apply:
 - (a) the applicant has been nominated by a State or Territory government agency;

-
- (b) the Minister has accepted the nomination.
- (3) All of the following apply:
- (a) the applicant, and all persons included in the application, are sponsored by a person who:
- (i) has turned 18; and
 - (ii) is an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen; and
 - (iii) is usually resident in Australia; and
 - (iv) is related to the applicant, the applicant's spouse (if the applicant's spouse is also an applicant for a Subclass 886 visa), or the applicant's interdependent partner (if the interdependent partner is also an applicant for a Subclass 886 visa), as:
 - (A) a parent; or
 - (B) a child, an adopted child, or a step-child; or
 - (C) a brother or sister, an adoptive brother or sister, or a step-brother or step-sister; or
 - (D) an aunt or uncle, an adoptive aunt or uncle, or a step-aunt or step-uncle; or
 - (E) a nephew or niece, an adoptive nephew or niece, or a step-nephew or step-niece;
- (b) the sponsorship was made:
- (i) on Form 1277 (Internet); or
 - (ii) on Form 1277:
 - (A) by posting the form (with the correct pre-paid postage) to the post office box address or other address specified by the Minister in an instrument in writing for this sub-subparagraph; or
 - (B) by having the form delivered by a courier service to the address specified by the Minister in an instrument in writing for this sub-subparagraph;
- and the Minister has accepted the sponsorship.

-
- 886.223 (1) The skills of the applicant have been assessed by the relevant assessing authority as suitable for the applicant's nominated skilled occupation.
- (2) If the assessment mentioned in subclause (1) is made on the basis of a qualification obtained in Australia while the applicant was the holder of a student visa, the qualification was obtained as a result of studying a registered course.
- 886.224 No evidence has become available since the time of application that the information given or used:
- (a) to meet the requirements of item 1136 of Schedule 1; or
 - (b) to satisfy Subdivision 886.21; or
 - (c) to satisfy clause 886.221; or
 - (d) to obtain the skills assessment mentioned in subclause 886.223 (1);
- was false or misleading in a material particular.
- 886.225 The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005 and 4010.
- 886.226 The applicant satisfies special return criteria 5001, 5002 and 5010.
- 886.227 Each person who is:
- (a) a member of the family unit; or
 - (b) the interdependent partner; or
 - (c) a dependent child of the interdependent partner;
- of the applicant, and who is also an applicant for a Subclass 886 visa, is a person who:
- (d) satisfies public interest criteria 4001, 4002, 4003, 4004, 4005 and 4010; and
 - (e) satisfies special return criteria 5001, 5002 and 5010.
- 886.228 Each member of the family unit of the applicant, who is not an applicant for a Subclass 886 visa, is a person who:
- (a) satisfies public interest criteria 4001, 4002, 4003 and 4004; and
 - (b) satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to

require the person to undergo assessment in relation to that criterion.

- 886.229 If a person (the *additional applicant*):
- (a) is a member of the family unit, or a dependent child of the interdependent partner, of the applicant; and
 - (b) is less than 18; and
 - (c) made a combined application with the applicant;
- public interest criteria 4015 and 4016 are satisfied for the additional applicant.
- 886.230 Grant of the visa would not result in either:
- (a) the number of Subclass 886 visas granted in a financial year exceeding the maximum number of Subclass 886 visas, as determined by the Minister in an instrument in writing for this paragraph, that may be granted in that financial year; or
 - (b) the number of visas of particular classes (including Subclass 886) granted in a financial year exceeding the maximum number of visas of those classes, as determined by the Minister in an instrument in writing for this paragraph, that may be granted in that financial year.
- 886.231 The Minister is satisfied that:
- (a) the applicant is the holder of a valid passport that:
 - (i) was issued to the applicant by an official source; and
 - (ii) is in the form issued by the official source; or
 - (b) it would be unreasonable to require the applicant to be the holder of a passport.

886.3 Secondary criteria

Note These criteria must be satisfied by applicants who are members of the family unit, or the interdependent partner or dependent child of the interdependent partner, of an applicant who satisfies the primary criteria.

886.31 Criteria to be satisfied at time of application

886.311 The applicant is:

- (a) a member of the family unit; or
- (b) the interdependent partner; or
- (c) a dependent child of the interdependent partner;
of a person who satisfies the primary criteria in
Subdivision 886.21 and made a combined application with
that person.

886.32 Criteria to be satisfied at time of decision

886.321 The applicant continues to be:

- (a) a member of the family unit; or
- (b) the interdependent partner; or
- (c) a dependent child of the interdependent partner;
of a person who, having satisfied the primary criteria, is the
holder of a Subclass 886 visa.

886.322 The applicant satisfies public interest criteria 4001, 4002,
4003, 4004, 4005 and 4010.

886.323 The applicant satisfies special return criteria 5001, 5002
and 5010.

886.324 If the applicant is less than 18, public interest criteria 4017
and 4018 are satisfied in relation to the applicant.

886.325 The Minister is satisfied that:

- (a) the applicant is the holder of a valid passport that:
 - (i) was issued to the applicant by an official source;
and
 - (ii) is in the form issued by the official source; or
- (b) it would be unreasonable to require the applicant to be
the holder of a passport.

886.4 Circumstances applicable to grant

886.411 The applicant must be in Australia when the visa is granted.

Note The second instalment of the visa application charge must be paid
before the visa can be granted.

886.5 When visa is in effect

886.511 Permanent visa permitting the holder to travel to and enter Australia for 5 years from the date of grant.

886.6 Conditions: Nil.

886.7 Way of giving evidence

886.711 No evidence need be given.

886.712 If evidence is given, to be given by a label affixed to a valid passport.

Subclass 887 Skilled — Regional

887.1 Interpretation

887.111 In this Part:

specified regional area means:

- (a) for an applicant who applied for a Subclass 887 visa on the basis on having held:
 - (i) a Skilled— Independent Regional (Provisional) (Class UX) visa; or
 - (ii) a Skilled (Provisional) (Class VC) visa that is subject to condition 8539; or
 - (iii) a Skilled (Provisional) (Class VF) visa that is subject to condition 8539;a part of Australia that, at the time at which a visa of that kind was first granted to the applicant, was specified by the Minister in an instrument in writing under item 6A1001 of Schedule 6A; or
- (b) for an applicant who applied for a Subclass 887 visa on the basis of having held:
 - (i) a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa; or
 - (ii) a Skilled (Provisional) (Class VC) visa that is subject to condition 8549; or

- (iii) a Skilled (Provisional) (Class VF) visa, subject to condition 8549;
a part of Australia that, at the time at which a visa of that kind was first granted to the applicant, was specified by the Minister in an instrument in writing under item 6701 of Schedule 6.

887.2 Primary criteria

Note The primary criteria must be satisfied by at least 1 applicant. Other applicants who are members of the family unit, or the interdependent partner or dependent child of the interdependent partner, of the applicant who satisfies the primary criteria need satisfy only the secondary criteria.

887.21 Criteria to be satisfied at time of application

- 887.211 The applicant meets the requirements set out in subitem 1136 (7) of Schedule 1.
- 887.212 The applicant must have lived in a specified regional area for a total of at least 2 years as the holder of 1 or more of the following visas:
- (a) a Skilled — Independent Regional (Provisional) (Class UX) visa;
 - (b) a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa;
 - (c) a Subclass 475 (Skilled — Regional Sponsored) visa;
 - (d) a Subclass 487 (Skilled — Regional Sponsored) visa;
 - (e) a Bridging A (Class WA) visa, or a Bridging B (Class WB) visa, that was granted on the basis of a valid application for:
 - (i) a Skilled — Independent Regional (Provisional) (Class UX) visa; or
 - (ii) a Skilled (Provisional) (Class VC) visa.
- 887.213 The applicant must have worked full-time in a specified regional area for a total of at least 1 year as the holder of 1 or more of the visas mentioned in clause 887.212.

887.22 Criteria to be satisfied at time of decision

- 887.221 (1) While the applicant was the holder of:
- (a) a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa; or
 - (b) a Skilled — Independent Regional (Provisional) (Class UX) visa; or
 - (c) a Subclass 475 (Skilled — Regional Sponsored) visa; or
 - (d) a Subclass 487 (Skilled — Regional Sponsored) visa;
- the applicant must have substantially complied with the conditions to which that visa is or was subject.
- (2) While a person included in the application (other than the applicant) was the holder of:
- (a) a Skilled — Designated Area-sponsored (Provisional) (Class UZ) visa; or
 - (b) a Skilled — Independent Regional (Provisional) (Class UX) visa; or
 - (c) a Subclass 475 (Skilled — Regional Sponsored) visa; or
 - (d) a Subclass 487 (Skilled — Regional Sponsored) visa;
- that person must have substantially complied with the conditions to which that visa is or was subject.
- 887.222 No evidence has become available since the time of application that the information given or used:
- (a) to satisfy any part of the assessment of eligibility of the applicant for:
 - (i) a Subclass 495 (Skilled — Independent Regional (Provisional)) visa; or
 - (ii) a Subclass 496 (Skilled — Designated Area-sponsored (Provisional)) visa; or
 - (iii) a Subclass 475 (Skilled — Regional Sponsored) visa; or
 - (iv) a Subclass 487 (Skilled — Regional Sponsored) visa; or
 - (b) to meet the requirements of subitem 1136 (7) of Schedule 1; or

-
- (c) to satisfy Subdivision 887.21;
was false or misleading in a material particular.
- 887.223 The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4007 and 4010.
- 887.224 The applicant satisfies special return criteria 5001, 5002 and 5010.
- 887.225 Each member of the family unit, or the interdependent partner, or dependent child of the interdependent partner, of the applicant, who is also an applicant for a Subclass 887 visa, is a person who:
- (a) satisfies public interest criteria 4001, 4002, 4003, 4004, 4007 and 4010; and
 - (b) satisfies special return criteria 5001, 5002 and 5010.
- 887.226 Each member of the family unit of the applicant, who is not an applicant for a Subclass 887 visa, is a person who:
- (a) satisfies public interest criteria 4001, 4002, 4003 and 4004; and
 - (b) satisfies public interest criterion 4005, unless the Minister is satisfied that it would be unreasonable to require the person to undergo assessment in relation to that criterion.
- 887.227 If a person (the *additional applicant*):
- (a) is a member of the family unit, or a dependent child of the interdependent partner, of the applicant; and
 - (b) is less than 18; and
 - (c) made a combined application with the applicant;
- public interest criteria 4015 and 4016 are satisfied for the additional applicant.
- 887.228 Grant of the visa would not result in either:
- (a) the number of Subclass 887 visas granted in a financial year exceeding the maximum number of Subclass 887 visas, as determined by the Minister in an instrument in writing for this paragraph, that may be granted in that financial year; or
 - (b) the number of visas of particular classes (including Subclass 887) granted in a financial year exceeding the

maximum number of visas of those classes, as determined by the Minister in an instrument in writing for this paragraph, that may be granted in that financial year.

- 887.229 The Minister is satisfied that:
- (a) the applicant is the holder of a valid passport that:
 - (i) was issued to the applicant by an official source; and
 - (ii) is in the form issued by the official source; or
 - (b) it would be unreasonable to require the applicant to be the holder of a passport.

887.3 Secondary criteria

Note These criteria must be satisfied by applicants who are members of the family unit, or the interdependent partner or dependent child of the interdependent partner, of an applicant who satisfies the primary criteria.

887.31 Criteria to be satisfied at time of application

- 887.311 The applicant is:
- (a) a member of the family unit; or
 - (b) the interdependent partner; or
 - (c) a dependent child of the interdependent partner;
- of a person who satisfies the primary criteria in Subdivision 887.21 and made a combined application with that person.

887.32 Criteria to be satisfied at time of decision

- 887.321 The applicant continues to be:
- (a) a member of the family unit; or
 - (b) the interdependent partner; or
 - (c) a dependent child of the interdependent partner;
- of a person who, having satisfied the primary criteria, is the holder of a Subclass 887 visa.
- 887.322 The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4007 and 4010.

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- 887.323 The applicant satisfies special return criteria 5001, 5002 and 5010.
- 887.324 If the applicant is less than 18, public interest criteria 4017 and 4018 are satisfied in relation to the applicant.
- 887.325 The Minister is satisfied that:
- (a) the applicant is the holder of a valid passport that:
 - (i) was issued to the applicant by an official source; and
 - (ii) is in the form issued by the official source; or
 - (b) it would be unreasonable to require the applicant to be the holder of a passport.

887.4 Circumstances applicable to grant

- 887.411 The applicant must be in Australia when the visa is granted.

Note The second instalment of the visa application charge must be paid before the visa can be granted.

887.5 When visa is in effect

- 887.511 Permanent visa permitting the holder to travel to and enter Australia for 5 years from the date of grant.

887.6 Conditions: Nil.

887.7 Way of giving evidence

- 887.711 No evidence need be given.
- 887.712 If evidence is given, to be given by a label affixed to a valid passport.

Part 4 Amendments relating to other Schedules

[128] After Schedule 6A

insert

Schedule 6B General points test — qualifications and points (General Skilled Migration visas)

(regulation 2.26AA)

Part 6B.1 Occupational qualifications

Column 1 Item	Column 2 Qualification	Column 3 Number of points
6B11	The applicant has a suitable skills assessment for his or her nominated skilled occupation for which 60 points are available <i>Note</i> <i>skilled occupation</i> is defined in regulation 1.03	60
6B12	The applicant has a suitable skills assessment for his or her nominated skilled occupation for which 50 points are available	50
6B13	The applicant has a suitable skills assessment for his or her nominated skilled occupation for which 40 points are available	40

Part 6B.2 Age qualifications

Column 1 Item	Column 2 Qualification	Column 3 Number of points
6B21	The applicant is aged not less than 18 years and under 30 years at the time of application	30
6B22	The applicant is aged not less than 30 years and under 35 years at the time of application	25
6B23	The applicant is aged not less than 35 years and under 40 years at the time of application	20
6B24	The applicant is aged not less than 40 years and under 45 years at the time of application	15

Part 6B.3 English language qualifications

Column 1 Item	Column 2 Qualification	Column 3 Number of points
6B31	The applicant has proficient English	25
6B32	The applicant has competent English	15
6B33	The applicant has nominated a skilled occupation in ASCO Major Group IV and has vocational English	15

Column 1 Item	Column 2 Qualification	Column 3 Number of points
6B34	<p>The applicant has applied for a Subclass 475 (Skilled — Regional Sponsored) visa or a Subclass 487 (Skilled — Regional Sponsored) visa, and:</p> <p>(a) both of the following occur:</p> <p>(i) the Minister has approved a nomination by a State or Territory specified by the Minister in an instrument in writing for this item as a State or Territory in which arrangements are established for suitable English language training;</p> <p>(ii) the applicant:</p> <p>(A) has concessional competent English; and</p> <p>(B) has paid the required fee or charge for English language training in the nominating State or Territory; or</p> <p>(b) both of the following occur:</p> <p>(i) the Minister has accepted a sponsorship by a person living in a State or Territory specified by the Minister in an instrument in writing for this item as a State or Territory in which arrangements are established for suitable English language training;</p> <p>(ii) the applicant:</p> <p>(A) has concessional competent English; and</p> <p>(B) has paid the required fee or charge for English language training in the State or Territory in which the sponsor resides</p>	15

Part 6B.4 Specific employment qualifications

Column 1 Item	Column 2 Qualification	Column 3 Number of points
6B41	The applicant nominated a skilled occupation for which 60 points are available and has been employed in that skilled occupation, or a closely related skilled occupation, for a period totalling at least 36 months in the 48 months immediately before the day on which the application was made	10
6B42	The applicant has been employed in a skilled occupation for a period totalling, at least 36 months in the 48 months immediately before the day on which the application was made	5

Part 6B.5 Australian employment qualifications

Column 1 Item	Column 2 Qualification	Column 3 Number of points
6B51	The applicant has been employed in Australia, in the applicant's nominated skilled occupation, or a closely related skilled occupation, for a period totalling at least 12 months in the 48 months immediately before the day on which the application was made	10
6B52	The applicant has completed a professional year in Australia in the applicant's nominated skilled occupation, or a closely related skilled occupation, for a period totalling at least 12 months in the 48 months immediately before the day on which the application was made	10

Part 6B.6 Australian educational qualifications

Column 1 Item	Column 2 Qualification	Column 3 Number of points
6B61	<p>The applicant has met 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:</p> <ul style="list-style-type: none">(a) undertaken while the applicant was present in Australia; and(b) for which all instruction was conducted in English	25
6B62	<p>The applicant has undertaken study for a period totalling at least 3 academic years, while being in Australia, during which the applicant:</p> <ul style="list-style-type: none">(a) 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(b) met the requirements for award of an undergraduate degree, which is closely related to the masters degree or honours degree mentioned in paragraph (a), by an Australian educational institution as a result of a course of study of at least 1 academic year:<ul style="list-style-type: none">(i) undertaken while the applicant was present in Australia; and(ii) for which all instruction was conducted in English	15

Column 1 Item	Column 2 Qualification	Column 3 Number of points
6B63	The applicant has met the requirements for award of an undergraduate degree with honours (second class (division 1) or above) by an Australian educational institution as a result of a course of study of at least 3 academic years: (a) undertaken while the applicant was present in Australia; and (b) for which all instruction was conducted in English	15
6B64	The applicant satisfies the 2 year study requirement <i>Note</i> The 2 year study requirement is explained in Division 2.6 of these Regulations	5

Part 6B.7 Occupation in demand qualifications

Column 1 Item	Column 2 Qualification	Column 3 Number of points
6B71	The applicant: (a) has nominated a migration occupation in demand in his or her application; and (b) has been employed in that skilled occupation, or a closely related skilled occupation, for a period totalling at least 12 months in the 48 months immediately before the day on which the application was made; and (c) has 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 on which the application was made	20

Column 1 Item	Column 2 Qualification	Column 3 Number of points
6B72	The applicant: <ul style="list-style-type: none">(a) has nominated a migration occupation in demand in his or her application; and(b) has been employed in that skilled occupation, or a closely related skilled occupation, for a period totalling at least 12 months in the 48 months immediately before the day on which the application was made	15

Part 6B.8 Designated language qualifications

Column 1 Item	Column 2 Qualification	Column 3 Number of points
6B81	The applicant: <ul style="list-style-type: none">(a) is the holder of a qualification (that is of an equivalent standard to a degree awarded by an Australian tertiary educational institution) the tuition for which was conducted in a designated language; or(b) is accredited as a professional interpreter or translator (level 3) in a designated language by the National Accreditation Authority for Translators and Interpreters <p><i>Note</i> designated language is defined in regulation 1.03</p>	5

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

Column 1 Item	Column 2 Qualification	Column 3 Number of points
6B91	Each of the following paragraphs applies in relation to the applicant: <ul style="list-style-type: none">(a) the applicant meets the 2 year study requirement;(b) the location of the campus or campuses at which that study was undertaken is specified by the Minister in an instrument in writing for item 6A1001 of Schedule 6A;(c) while the applicant undertook the course of study the applicant lived in a part of Australia the postcode of which is specified by the Minister in an instrument in writing for item 6A1001 of Schedule 6A;(d) none of the study undertaken constituted distance education	5

Part 6B.10 Partner skill qualifications

Column 1 Item	Column 2 Qualification	Column 3 Number of points
6B101	The spouse or interdependent partner of the applicant: <ul style="list-style-type: none">(a) is an applicant for the same General Skilled Migration visa as the applicant; and(b) is not an Australian permanent resident or an Australian citizen; and(c) is, at the time of application, under 45 years of age; and(d) has nominated a skilled occupation in his or her application; and	5

Column 1 Item	Column 2 Qualification	Column 3 Number of points
	<p>(e) has been assessed by the relevant assessing authority for the nominated skilled occupation as having suitable skills for that occupation; and</p> <p>(f) either:</p> <p>(i) has nominated a skilled occupation in Major Group IV in the Australian Standard Classification of Occupation and has vocational English; or</p> <p>(ii) if the applicant has applied for 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 specified by the Minister in an instrument in writing for this item as a State or Territory in which arrangements are established for suitable English language training:</p> <p>(A) has concessional competent English; and</p> <p>(B) has paid the required fee or charge for English language training in the nominating State or Territory; or</p>	

Column 1 Item	Column 2 Qualification	Column 3 Number of points
	<p>(iii) if the applicant has applied for a Subclass 475 (Skilled — Regional Sponsored) visa or a Subclass 487 (Skilled — Regional Sponsored) visa, and the Minister has accepted a sponsorship by a person living in a State or Territory specified by the Minister in an instrument in writing for this item as a State or Territory in which arrangements are established for suitable English language training:</p> <p>(A) has concessional competent English; and</p> <p>(B) has paid the required fee or charge for English language training in the State or Territory in which the sponsor resides; or</p> <p>(iv) has competent English; and</p> <p>(g) either:</p> <p>(i) met the 2 year study requirement in the period of 6 months ending immediately before the day the application was made; or</p> <p>(ii) at the time of application, has been employed in a skilled occupation for a period totalling at least 12 months in the 24 months immediately before that day</p>	

Part 6B.11 State or Territory nomination qualifications

Column 1 Item	Column 2 Qualification	Column 3 Number of points
6B111	The applicant: (a) has applied for 1 of the following visas: (i) a Subclass 176 (Skilled — Sponsored) visa; (ii) a Subclass 475 (Skilled — Regional Sponsored) visa; (iii) a Subclass 487 (Skilled — Regional Sponsored) visa; (iv) a Subclass 886 (Skilled — Sponsored) visa; and (b) has been nominated by a State or Territory government agency for the purposes of the visa application; and the Minister has accepted the nomination	10

Part 6B.12 Designated area sponsorship qualifications

Column 1 Item	Column 2 Qualification	Column 3 Number of points
6B121	The applicant: (a) has applied for 1 of the following visas: (i) a Subclass 475 (Skilled — Regional Sponsored) visa; (ii) a Subclass 487 (Skilled — Regional Sponsored) visa; and (b) has been sponsored by a relative; and the Minister has accepted the sponsorship	25

[129] Schedule 8, clause 8539

substitute

- 8539 While the holder is in Australia, the holder must live, study and work only in an area specified by the Minister in an instrument in writing for item 6A1001 of Schedule 6A, as in force:
- (a) when the visa was granted; or
 - (b) if the holder has held more than 1 visa that is subject to this condition — when the first of those visas was granted.

[130] Schedule 8, clause 8549

substitute

- 8549 While the holder is in Australia, the holder must live, study and work only in an area specified by the Minister in an instrument in writing for item 6701 of Schedule 6, as in force:
- (a) when the visa was granted; or
 - (b) if the holder has held more than 1 visa that is subject to this condition — when the first of those visas was granted.

Schedule 2 **Amendments relating to general
skilled migration visas —
commencing on 1 January 2008**
(regulation 4)

[1] **Schedule 2, clause 134.225**

omit

[2] **Schedule 2, clause 134.324**

omit

[3] **Schedule 2, clause 136.228**

omit

[4] **Schedule 2, clause 136.324**

omit

[5] **Schedule 2, clause 137.227**

omit

[6] **Schedule 2, clause 137.324**

omit

[7] **Schedule 2, clause 138.222**

omit

[8] **Schedule 2, clause 138.323**

omit

[9] Schedule 2, clause 139.223

omit

[10] Schedule 2, clause 139.323

omit

[11] Schedule 2, clause 861.228

omit

[12] Schedule 2, clause 861.324

omit

[13] Schedule 2, clause 862.222

omit

[14] Schedule 2, clause 862.323

omit

[15] Schedule 2, clause 863.223

omit

[16] Schedule 2, clause 863.323

omit

[17] Schedule 2, clause 880.226

omit

[18] Schedule 2, clause 880.323

omit

[19] Schedule 2, clause 881.222

omit

[20] Schedule 2, clause 881.323

omit

[21] Schedule 2, clause 882.223

omit

[22] Schedule 2, clause 882.323

omit

[23] Schedule 2, clause 883.224

omit

[24] Schedule 2, clause 883.323

omit

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.frli.gov.au.