



Migration Amendment (2024 Measures No. 1) Regulations 2024

I, the Honourable Sam Mostyn AC, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 5 December 2024

Sam Mostyn AC
Governor-General

By Her Excellency's Command

Tony Burke
Minister for Immigration and Multicultural Affairs

Contents

1	Name	1
2	Commencement.....	1
3	Authority	1
4	Schedules.....	1
Schedule 1—Amendments		2
Part 1—Subclass 482 (Skills in Demand) Visa		2
<i>Migration Regulations 1994</i>		2
Part 2—Employer Nomination Scheme amendments		16
<i>Migration Regulations 1994</i>		16
Part 3—Aligning Sponsorship Obligations		21
<i>Migration Regulations 1994</i>		21
Part 4—Operation of amendments		23
<i>Migration Regulations 1994</i>		23

1 Name

This instrument is the *Migration Amendment (2024 Measures No. 1) Regulations 2024*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	7 December 2024.	7 December 2024

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Migration Act 1958*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Part 1—Subclass 482 (Skills in Demand) Visa

Migration Regulations 1994

1 Regulation 1.03

Insert:

core skills income threshold means \$73,150.

Note: This amount is indexed under regulation 5.42A.

specialist skills income threshold means \$135,000.

Note: This amount is indexed under regulation 5.42A.

2 Subregulation 1.12(5) (table item 5, column 2, after paragraph (a))

Insert:

(ab) Subclass 482 (Skills in Demand) visa;

3 Subregulation 1.12(5) (table item 6, column 2, after paragraph (a))

Insert:

(ab) Subclass 482 (Skills in Demand) visa;

4 Subregulation 1.12(5) (table item 8, column 1)

Omit “(Temporary Skill Shortage)”, substitute “(Skills in Demand)”.

5 Subregulation 1.12(5) (table item 8, column 2, after paragraph (a))

Insert:

(ab) Subclass 482 (Skills in Demand) visa;

6 Subregulation 1.12(5) (table item 9, column 2, after paragraph (a))

Insert:

(ab) Subclass 482 (Skills in Demand) visa;

7 Subregulation 1.12(5) (table item 11, column 2, after paragraph (a))

Insert:

(ab) Subclass 482 (Skills in Demand) visa;

8 After paragraph 1.20(4)(h)

Insert:

(ha) Subclass 482 (Skills in Demand);

9 After paragraph 2.05(4AC)(b)

Insert:

(ba) a Subclass 482 (Skills in Demand) visa;

10 After subparagraph 2.06AAC(1)(a)(iii)

Insert:

(iia) a Subclass 482 (Skills in Demand) visa; or

11 After paragraph 2.12F(2B)(j)

Insert:

(ja) Subclass 482 (Skills in Demand) visa;

12 Paragraph 2.43(1)(kc)

After “Labour Agreement stream”, insert “or a Subclass 482 (Skills in Demand) visa”.

13 After subparagraph 2.43(1)(ld)(x)

Insert:

(xa) a Subclass 482 (Skills in Demand) visa; or

14 After subparagraph 2.43(1)(le)(v)

Insert:

(va) a Subclass 482 (Skills in Demand) visa; or

15 After subparagraph 2.43(1)(s)(ix)

Insert:

(ixa) a Subclass 482 (Skills in Demand) visa; or

16 Paragraph 2.59(h)

After “(Skilled) visa”, insert “, a Subclass 482 (Skills in Demand) visa”.

17 Paragraph 2.59(h)

Omit “(Temporary Skill Shortage)” (second occurring), substitute “(Skills in Demand)”.

18 Regulation 2.72 (heading)

Omit “(Temporary Skill Shortage)”, substitute “(Skills in Demand)”.

19 After subparagraph 2.72(1)(b)(ii)

Insert:

(ia) a holder of a Subclass 482 (Skills in Demand) visa;

20 Subparagraph 2.72(1)(b)(iii)

Omit “(Temporary Skill Shortage)”, substitute “(Skills in Demand)”.

21 Paragraph 2.72(5)(a)

Omit “(Temporary Skill Shortage) visa in the Short-term stream or Medium-term stream”, substitute “(Skills in Demand) visa in the Specialist Skills stream or Core Skills stream”.

22 After paragraph 2.72(6)(a)

Insert:

(aa) a Subclass 482 (Skills in Demand) visa; or

23 Subregulation 2.72(6)

Omit “either of”, substitute “any of”.

24 Subregulation 2.72(8)

Repeal the subregulation, substitute:

- (8) The Minister is satisfied that:
- (a) if the occupation is nominated for a Subclass 482 (Skills in Demand) visa in the Specialist Skills stream:
 - (i) the occupation and its corresponding 6-digit code correspond to an occupation and its corresponding 6-digit code that is specified in Major Group 1, 2, 4, 5 or 6 in ANZSCO; and
 - (ii) the occupation applies to the nominee in accordance with any matters specified for the occupation in the instrument made under subregulation (9) in force at the time the nomination is made; and
 - (b) if the occupation is nominated for a Subclass 482 (Skills in Demand) visa in the Core Skills stream:
 - (i) the occupation and its corresponding 6-digit code correspond to an occupation and its corresponding 6-digit code specified in the instrument made under subregulation (9) in force at the time the nomination is made; and
 - (ii) the occupation applies to the nominee in accordance with the instrument; and
 - (c) if the occupation is nominated for a Subclass 482 (Skills in Demand) visa in the Labour Agreement stream:
 - (i) the occupation is the subject of the work agreement mentioned in clause 482.241 of Schedule 2; and
 - (ii) the occupation applies to the nominee in accordance with the work agreement.

25 Paragraph 2.72(9)(a)

Repeal the paragraph.

26 Subregulation 2.72(11) (heading)

Omit “*Short-term stream and Medium-term stream*”, substitute “*Specialist Skills stream and Core Skills stream*”.

27 Paragraphs 2.72(11)(a) and (12)(a)

Omit “(Temporary Skill Shortage) visa in the Short-term stream or Medium-term stream”, substitute “(Skills in Demand) visa in the Specialist Skills stream or Core Skills stream”.

28 Subregulation 2.72(13)

After “2.73(14)(c),”, insert “2.73(14A)(c),”.

29 Subregulation 2.72(13)

Omit “482.224”, substitute “482.223”.

30 Paragraph 2.72(14)(a)

Omit “(Temporary Skill Shortage) visa in the Short-term stream or Medium-term stream”, substitute “(Skills in Demand) visa in the Specialist Skills stream or the Core Skills stream”.

31 Paragraph 2.72(14)(b)

After “(Skilled)) visa”, insert “, a Subclass 482 (Skills in Demand) visa”.

32 Paragraphs 2.72(14)(d) and (e)

Repeal the paragraphs, substitute:

- (d) if the occupation is nominated for a Subclass 482 (Skills in Demand) visa in the Specialist Skills stream—any language test requirements specified by the Minister in a legislative instrument for subclause 482.222(1) of Schedule 2 that would apply to the nominee if the nominee were an applicant for a Subclass 482 (Skills in Demand) visa in the Specialist Skills stream; or
- (e) if the occupation is nominated for a Subclass 482 (Skills in Demand) visa in the Core Skills stream—any language test requirements specified by the Minister in a legislative instrument for subclause 482.232(1) of Schedule 2 that would apply to the nominee if the nominee were an applicant for a Subclass 482 (Skills in Demand) visa in the Core Skills stream.

33 Paragraph 2.72(15)(a)

Repeal the paragraph, substitute:

- (a) the occupation is nominated for a Subclass 482 (Skills in Demand) visa in the Specialist Skills stream or the Core Skills stream; and

34 Paragraph 2.72(15)(d)

Repeal the paragraph, substitute:

- (d) the annual market salary rate, excluding any non-monetary benefits, for the occupation (determined by the person in accordance with an instrument made under subregulation (17)) is not less than:
 - (i) if the occupation is nominated for a Subclass 482 (Skills in Demand) visa in the Specialist Skills stream—the specialist skills income threshold; or
 - (ii) if the occupation is nominated for a Subclass 482 (Skills in Demand) visa in the Core Skills stream—the core skills income threshold; and

35 Paragraph 2.72(15)(f)

Repeal the paragraph, substitute:

- (f) the nominee’s annual earnings, excluding any non-monetary benefits, in relation to the occupation will not be less than:
 - (i) if the occupation is nominated for a Subclass 482 (Skills in Demand) visa in the Specialist Skills stream—the specialist skills income threshold; or
 - (ii) if the occupation is nominated for a Subclass 482 (Skills in Demand) visa in the Core Skills stream—the core skills income threshold; and

36 Subparagraph 2.72(16)(a)(i)

Repeal the subparagraph, substitute:

- (i) the annual market salary rate for the occupation (determined by the person in accordance with an instrument made under subregulation (17)) is not less than the amount of the specialist skills income threshold or the core skills income threshold that applies in relation to the occupation; and

37 After subregulation 2.72(17)

Insert:

- (17A) If the occupation is nominated for a Subclass 482 (Skills in Demand) visa in the Specialist Skills stream or the Core Skills stream, the person's business has the capacity to employ the nominee for at least the period of the nomination and to pay the person at least the annual market salary rate for the occupation each year.

38 Subregulation 2.72(18)

Omit "(Temporary Skill Shortage) visa in the Short-term stream or Medium-term stream", substitute "(Skills in Demand) visa in the Specialist Skills stream or Core Skills stream".

39 Subregulation 2.72(19)

Omit "(Temporary Skill Shortage) visa in", substitute "(Skills in Demand) visa in".

40 Paragraph 2.72(19)(c)

After "(Skilled) visas", insert ", Subclass 482 (Skills in Demand) visas".

41 Paragraph 2.72C(15)(b)

Omit "paragraph 2.72(15)(b)", substitute "this paragraph".

42 Paragraph 2.72C(15)(d)

Omit "paragraph 2.72(15)(d)", substitute "this paragraph".

43 Paragraph 2.72C(15)(f)

Omit "paragraph 2.72(15)(d)", substitute "paragraph (d) of this subregulation".

44 Subparagraph 2.72C(16)(a)(i)

Omit "paragraph 2.72(15)(d)", substitute "paragraph (15)(d) of this regulation".

45 Regulation 2.73 (heading)

Omit "(Temporary Skill Shortage)", substitute "(Skills in Demand)".

46 After paragraph 2.73(1)(a)

Insert:

- (ab) a holder of a Subclass 482 (Skills in Demand) visa;

47 Paragraph 2.73(1)(c)

Omit "(Temporary Skill Shortage)", substitute "(Skills in Demand)".

48 Subregulation 2.73(6)

Repeal the subregulation, substitute:

- (6) Unless the occupation is nominated for a Subclass 482 (Skills in Demand) visa in the Labour Agreement stream, the occupation must be nominated for a Subclass 482 (Skills in Demand) visa in:
- (a) if the occupation is an occupation in Major Group 1, 2, 4, 5 or 6 in ANZSCO and the nominee's annual earnings (excluding non-monetary benefits) would be equal to or more than the specialist skills income threshold—the Specialist Skills stream; or
 - (b) if the occupation is an occupation specified in the instrument made under subregulation 2.72(9) in force at the time the nomination is made and paragraph (a) of this subregulation does not apply in relation to the occupation—the Core Skills stream.

49 Paragraph 2.73(9)(a)

Omit “(Temporary Skill Shortage) visa in the Short-term stream or Medium-term stream”, substitute “(Skills in Demand) visa in the Core Skills stream”.

50 After paragraph 2.73(9)(a)

Insert:

- (aa) if the occupation is nominated for a Subclass 482 (Skills in Demand) visa in the Specialist Skills stream—the name of the occupation, the corresponding 6-digit code for the occupation and the Major Group in ANZSCO to which the occupation belongs;

51 Subparagraph 2.73(9)(b)(ia)

Omit “(Temporary Skill Shortage)”, substitute “(Skills in Demand)”.

52 Subregulation 2.73(10)

Repeal the subregulation, substitute:

- (10) For the purposes of paragraph 9(d), the proposed period of stay may be 1, 2, 3 or 4 years provided the period of stay is not inconsistent with any international trade obligations of Australia.

53 Subregulation 2.73(14) (heading)

Omit “*Short-term stream and Medium-term stream*”, substitute “*Core Skills stream*”.

54 Subregulation 2.73(14)

Omit “(Temporary Skill Shortage) visa in the Short-term stream or Medium-term”, substitute “(Skills in Demand) visa in the Core Skills”.

55 After subregulation 2.73(14)

Insert:

Additional requirements in relation to Specialist Skills stream

- (14A) If the occupation is nominated for a Subclass 482 (Skills in Demand) visa in the Specialist Skills stream, the person must certify as part of the nomination, in writing:
 - (a) that the tasks of the position include a significant majority of the tasks specified for the occupation in ANZSCO; and

- (b) that the qualifications and experience of the nominee are commensurate with the qualifications and experience specified for the occupation in ANZSCO; and
- (c) unless the occupation is an occupation specified by the Minister in an instrument made under subregulation 2.72(13), that the occupation is a position in:
 - (i) if the person is an overseas business sponsor or would be an overseas business sponsor if the person were approved as a standard business sponsor—the person’s business; or
 - (ii) in any other case—the person’s business or a business of an associated entity of the person.

56 Paragraph 2.73(15)(aa)

Omit “(Temporary Skill Shortage)”, substitute “(Skills in Demand)”.

57 Regulation 2.73AA (heading)

After “(Skilled) visa”, insert “, Subclass 482 (Skills in Demand) visa”.

58 Paragraph 2.73AA(3)(a)

After “stream”, insert “or a Subclass 482 (Skills in Demand) visa in the Labour Agreement stream”.

59 Subparagraphs 2.73AA(3)(c)(i) and (ii)

After “Subclass 457 (Temporary Work (Skilled)) visas”, insert “, Subclass 482 (Skills in Demand) visas”.

60 Paragraph 2.73AA(3B)(a)

After “Medium-term stream”, insert “or a Subclass 482 (Skills in Demand) visa in the Specialist Skills stream or Core Skills stream”.

61 Paragraph 2.73AA(3C)(a)

After “stream”, insert “or a Subclass 482 (Skills in Demand) visa in the Labour Agreement stream”.

62 Paragraphs 2.73AA(3D)(a) and (3E)(a)

After “visa”, insert “or a Subclass 482 (Skills in Demand) visa”.

63 Regulation 2.75 (heading)

After “(Skilled) visa”, insert “, Subclass 482 (Skills in Demand) visa”.

64 After paragraph 2.75(1)(a)

Insert:

- (ab) a holder of a Subclass 482 (Skills in Demand) visa;

65 Paragraph 2.75(1)(c)

Omit “(Temporary Skill Shortage)”, substitute “(Skills in Demand)”.

66 Paragraph 2.75(2)(c)

After “visa”, insert “or a Subclass 482 (Skills in Demand) visa”.

67 Paragraph 2.75(2)(d)

Omit “(Temporary Skill Shortage) visa in the Short-term stream or the Medium-term stream”, substitute “(Skills in Demand) visa in the Specialist Skills stream or the Core Skills stream”.

68 Subparagraph 2.75(2)(f)(i)

Omit “(Temporary Skill Shortage) visa in the Short-term stream or the Medium-term stream”, substitute “(Skills in Demand) visa in the Specialist Skills stream or the Core Skills stream”.

69 After paragraph 4.02(1A)(ka)

Insert:

(kb) a Subclass 482 (Skills in Demand) visa;

70 After paragraph 5.19M(fa)

Insert:

(fb) a Subclass 482 (Skills in Demand) visa;

71 After paragraph 5.35AB(1)(j)

Insert:

(ja) a Subclass 482 (Skills in Demand) visa;

72 After paragraph 5.42(1)(a)

Insert:

(ab) a holder of a Subclass 482 (Skills in Demand) visa;

73 After Division 5.7A of Part 5

Insert:

Division 5.7B—Indexation of certain amounts

5.42A Indexation of certain amounts

- (1) If the indexation factor for an indexation day is greater than 1, the dollar amounts mentioned in the definitions of *core skills income threshold* and *specialist skills income threshold* in regulation 1.03 are, on that day, replaced by the amounts worked out using the following formula:

Dollar amount immediately
before the indexation day × Indexation factor for the indexation day

- (2) The amount worked out under subregulation (1) is to be rounded to the nearest whole dollar (rounding 50 cents upwards).

Indexation factor

- (3) The *indexation factor* for an indexation day is the number worked out using the following formula:

$$\frac{\text{AWOTE amount for the reference quarter}}{\text{AWOTE amount for the base quarter}}$$

- (4) The indexation factor is to be worked out to 3 decimal places (rounding up if the fourth decimal place is 5 or more).

Publication of indexable amounts

- (5) If the indexable amount is replaced under subregulation (1) on an indexation day, the Secretary must cause the replacement indexable amount to be published on the Department’s website as soon as practicable after the indexation day. However, a failure by the Secretary to do so does not invalidate the indexation.

Definitions

- (6) In this regulation:

AWOTE amount, for a quarter, means the estimate of the full-time adult average weekly ordinary time earnings for persons in Australia for the middle month of the quarter published by the Australian Statistician in relation to that month.

base quarter means the last December quarter before the reference quarter.

December quarter means a period of 3 months starting on 1 October.

indexation day means the first 1 July to occur after the commencement of this regulation and each later 1 July.

reference quarter means the most recent December quarter before the indexation day.

74 After subparagraph 1137(4M)(a)(ii) of Schedule 1

Insert:

- (ia) a Subclass 482 (Skills in Demand) visa; or

75 After subparagraph 1139(3A)(a)(ii) of Schedule 1

Insert:

- (ia) a Subclass 482 (Skills in Demand) visa; or

76 Item 1240 of Schedule 1 (heading)

Omit “Temporary Skill Shortage”, substitute “Skills in Demand”.

77 Paragraph 1240(2)(a) of Schedule 1

Repeal the paragraph, substitute:

- (a) first instalment (payable at the time the application is made):
- (i) for an applicant who is in a class of persons specified in a legislative instrument made for the purposes of this subparagraph under subregulation 2.07(5), the amount is nil; and
 - (ii) for any other applicant:

First instalment		
Item	Component	Amount
1	Base application charge	\$3 115
2	Additional applicant charge for an applicant who is at least 18	\$3 115
3	Additional applicant charge for an applicant who is less than 18	\$780

78 Paragraph 1240(3)(h) of Schedule 1

Omit “482.212(3) or (4)”, substitute “482.221(2) or (3) or 482.231(2) or (3)”.

79 Paragraph 010.611(3D)(a) of Schedule 2

After “visa”, insert “or a Subclass 482 (Skills in Demand) visa”.

80 Paragraph 010.611(3D)(b) of Schedule 2

After “(Skilled)) visa”, insert “, a Subclass 482 (Skills in Demand) visa”.

81 Paragraph 020.611(4B)(a) of Schedule 2

After “visa”, insert “or a Subclass 482 (Skills in Demand) visa”.

82 Paragraph 020.611(4B)(b) of Schedule 2

After “(Skilled)) visa”, insert “, a Subclass 482 (Skills in Demand) visa”.

83 Paragraph 189.241(a) of Schedule 2

After “Shortage) visa”, insert “, Subclass 482 (Skills in Demand) visa”.

84 Paragraph 191.231(1)(a) of Schedule 2

After “Shortage) visa”, insert “, Subclass 482 (Skills in Demand) visa”.

85 Subparagraph 408.224(b)(ii) of Schedule 2

After “(Skilled)) visa”, insert “, a Subclass 482 (Skills in Demand) visa”.

86 Part 482 of Schedule 2 (heading)

Omit “Temporary Skill Shortage”, substitute “Skills in Demand”.

87 Subclauses 482.212(3) and (4) of Schedule 2

Repeal the subclauses.

88 Subdivisions 482.22 and 482.23 of Schedule 2

Repeal the Subdivisions, substitute:

482.22—Criteria for Specialist Skills stream

Note: These criteria are only for applicants being assessed against the primary criteria for a Subclass 482 visa in the Specialist Skills stream.

482.221

- (1) The Minister is satisfied that:
 - (a) the applicant has carried out (whether on a full-time, part-time or casual basis) a period or periods of work in the nominated occupation or a related field; and
 - (b) the total period of work carried out is, or is equivalent to, at least 12 months full-time work; and
 - (c) the period or periods of work were carried out during the period of 5 years ending immediately before the day the application was made.
- (2) The applicant has the skills, qualifications and employment background that the Minister considers necessary to perform the tasks of the nominated occupation.

- (3) If the Minister requires the applicant to demonstrate that the applicant has the skills that are necessary to perform the tasks of the nominated occupation, the applicant demonstrates that the applicant has those skills in the manner specified by the Minister.

482.222

- (1) The applicant satisfies any language test requirements specified for the applicant by the Minister in a legislative instrument made for the purposes of this subclause.
- (2) If the Minister requires the applicant to demonstrate the applicant's English language proficiency, the applicant demonstrates their English language proficiency in the manner specified by the Minister.

482.223

Unless the nominated occupation is an occupation specified by the Minister in an instrument made under subregulation 2.72(13):

- (a) the applicant is employed to work in the nominated occupation; and
- (b) the applicant is employed to work in a position in:
 - (i) if the person who nominated the nominated occupation was an overseas business sponsor at the time the nomination was approved—the person's business; or
 - (ii) if the person who nominated the nominated occupation was not an overseas business sponsor at the time the nomination was approved—the person's business or a business of an associated entity of the person.

482.23—Criteria for Core Skills stream

Note: These criteria are only for applicants being assessed against the primary criteria for a Subclass 482 visa in the Core Skills stream.

482.231

- (1) The Minister is satisfied that:
 - (a) the applicant has carried out (whether on a full-time, part-time or casual basis) a period or periods of work in the nominated occupation or a related field; and
 - (b) the total period of work carried out is, or is equivalent to, at least 12 months full-time work; and
 - (c) the period or periods of work were carried out during the period of 5 years ending immediately before the day the application was made.
- (2) The applicant has the skills, qualifications and employment background that the Minister considers necessary to perform the tasks of the nominated occupation.
- (3) If the Minister requires the applicant to demonstrate that the applicant has the skills that are necessary to perform the tasks of the nominated occupation, the applicant demonstrates that the applicant has those skills in the manner specified by the Minister.

482.232

- (1) The applicant satisfies any language test requirements specified for the applicant by the Minister in a legislative instrument made for the purposes of this subclause.
- (2) If the Minister requires the applicant to demonstrate the applicant's English language proficiency, the applicant demonstrates their English language proficiency in the manner specified by the Minister.

482.233

Unless the nominated occupation is an occupation specified by the Minister in an instrument made under subregulation 2.72(13):

- (a) the applicant is employed to work in the nominated occupation; and
- (b) the applicant is employed to work in a position in:
 - (i) if the person who nominated the nominated occupation was an overseas business sponsor at the time the nomination was approved—the person's business; or
 - (ii) if the person who nominated the nominated occupation was not an overseas business sponsor at the time the nomination was approved—the person's business or a business of an associated entity of the person.

89 Paragraph 482.242(a) of Schedule 2

Repeal the paragraph, substitute:

- (a) all of the following apply:
 - (i) the applicant has carried out (whether on a full-time, part-time or casual basis) a period or periods of work in the nominated occupation or a related field;
 - (ii) the total period of work carried out is, or is equivalent to, at least 12 months full-time work;
 - (iii) the period or periods of work were carried out during the period of 5 years ending immediately before the day the application was made;or

90 After clause 482.242 of Schedule 2

Insert:

482.242A

- (1) The applicant has the skills, qualifications and employment background that the Minister considers necessary to perform the tasks of the nominated occupation.
- (2) If the Minister requires the applicant to demonstrate that he or she has the skills that are necessary to perform the tasks of the nominated occupation, the applicant demonstrates that he or she has those skills in the manner specified by the Minister.

91 Subclause 482.312(1) of Schedule 2

After "Subclass 457 (Temporary Work (Skilled)) visa", insert "a Subclass 482 (Skills in Demand) visa".

92 Subclause 482.511(1) of Schedule 2 (table item 4, column 1, after subparagraph (a)(i))

Insert:
(ia) a Subclass 482 (Skills in Demand) visa;

93 Subclause 482.511(1) of Schedule 2 (table item 5, column 1, after subparagraph (a)(i))

Insert:
(ia) a Subclass 482 (Skills in Demand) visa;

94 Subclause 482.511(1) of Schedule 2 (table item 5, column 1, subparagraph (c)(i))

After “2020”, insert “or a Subclass 482 (Skills in Demand) visa granted on or after 7 December 2024”.

95 Paragraph 494.224(4)(a) of Schedule 2

After “(Skilled)) visa”, insert “, a Subclass 482 (Skills in Demand) visa”.

96 Subparagraph 494.224(4)(a)(ii) of Schedule 2

Omit “or subclause 482.212(4)”, substitute “, former subclause 482.212(4) or subclause 482.221(3) or 482.231(3)”.

97 After paragraph 773.213(4)(b) of Schedule 2

Insert:
(ba) Subclass 482 (Skills in Demand).

98 Subclause 8607(1) of Schedule 8

Omit “(Temporary Skill Shortage)”, substitute “(Skills in Demand)”.

99 Paragraph 8607(2)(b) of Schedule 8

Omit “(Temporary Skill Shortage) visa granted to the holder is in the Short-term stream or Medium-term stream”, substitute “(Skills in Demand) visa granted to the holder is in the Specialist Skills stream or Core Skills stream”.

100 Paragraph 8607(2)(c) of Schedule 8

Omit “(Temporary Skill Shortage) visa granted to the holder is in the Short-term stream or Medium-term stream”, substitute “(Skills in Demand) visa granted to the holder is in the Specialist Skills stream or Core Skills stream”.

101 After subparagraph 11(a)(iii) of Part 2 of Schedule 9

Insert:
(iiia) a Subclass 482 (Skills in Demand) visa;

102 Amendments of listed provisions—(Temporary Skill Shortage)

Omit “(Temporary Skill Shortage)” and substitute “(Skills in Demand)” in the following provisions:

- (a) paragraph 2.05(4AA)(f);
- (b) subparagraph 2.05(5A)(b)(vi);
- (c) subregulation 2.06AAB(1) (table item 13A);

- (d) paragraph 2.07AG(1)(f);
- (e) paragraph 2.07AG(2)(f);
- (f) paragraph 2.56(l);
- (g) paragraph 2.72(5)(b) (wherever occurring);
- (h) subparagraph 2.73(9)(b)(ii);
- (i) paragraph 2.73(11)(b);
- (j) paragraph 2.73(15)(b);
- (k) paragraph 2.75(2)(g);
- (l) paragraph 5.42(1)(c);
- (m) subitem 1240(3) of Schedule 1 (wherever occurring);
- (n) subitem 1240(4) of Schedule 1;
- (o) subclause 482.511(1) of Schedule 2 (table item 3, column 1, subparagraph (a)(ii));
- (p) paragraph 8607(2)(a) of Schedule 8.

Part 2—Employer Nomination Scheme amendments

Migration Regulations 1994

103 Subparagraph 2.12F(3B)(c)(v)

After “(Skilled) visa”, insert “, a Subclass 482 (Skills in Demand) visa”.

104 Subparagraph 2.12F(3B)(c)(vii)

Repeal the subparagraph, substitute:

- (vii) if the nomination application is made on or after 18 March 2018 and before 7 December 2024 and the visa application is in the Temporary Residence Transition stream—the applicant did not, when the nomination application was made, satisfy the requirement in paragraph 5.19(5)(e), or in paragraph 5.19(5)(f) or (g) (as applicable);
- (viiia) if the nomination application is made on or after 7 December 2024 and the visa application is for a Subclass 187 (Regional Sponsored Migration Scheme) visa in the Temporary Residence Transition stream—the applicant did not, when the nomination application was made, satisfy the requirement in paragraph 5.19(5A)(d), or in paragraph 5.19(5A)(e) or (f) (as applicable);
- (viiib) if the visa application is made on or after 7 December 2024 and the visa application is for a Subclass 186 (Employer Nomination Scheme) visa in the Temporary Residence Transition stream—the applicant did not, when the visa application was made, satisfy the requirements in clause 186.226 or 186.227 of Schedule 2;

105 Subregulation 2.72(13)

Omit “5.19(5)(g)”, substitute “5.19(5A)(f)”.

106 Subregulation 2.72(13)

After “subregulation 5.19(7),” insert “subclause 186.227(2) of Schedule 2,”.

107 Paragraph 5.19(2)(a)

Repeal the paragraph, substitute:

- (a) subject to subregulation (2AA), be made using the form specified by the Minister in a legislative instrument made for the purposes of this paragraph; and

108 After subregulation 5.19(2A)

Insert:

(2AA) For the purposes of paragraph (2)(a):

- (a) if the Minister specifies, in a legislative instrument made for the purposes of this subregulation, a different way of making an application in circumstances specified in the instrument, the application may be made in that way; and
- (b) if the Minister specifies in the instrument a form for the different way of making the application, the application must be made using that form.

109 Paragraph 5.19(4)(e)

Omit “visa in a Temporary”, substitute “Subclass 186 (Employer Nomination Scheme) visa in the Temporary”.

110 After paragraph 5.19(4)(e)

Insert:

- (ea) if the nomination relates to a Subclass 187 (Regional Sponsored Migration Scheme) visa in the Temporary Residence Transition stream—the requirements set out in subregulation (5A) are met;

111 Subregulation 5.19(5) (heading)

Repeal the heading, substitute:

Additional requirements for approval—nominations relating to the Subclass 186 (Employer Nomination Scheme) visa in the Temporary Residence Transition stream.

112 Subregulation 5.19(5)

Omit “visa in a Temporary”, substitute “Subclass 186 (Employer Nomination Scheme) visa in the Temporary”.

113 After subparagraph 5.19(5)(a)(ii)

Insert:

- (iia) a Subclass 482 (Skills in Demand) visa; or

114 Subparagraph 5.19(5)(a)(iii)

Omit “subparagraph (i) or (ii)” (wherever occurring), substitute “subparagraph (i), (ii) or (iia)”.

115 Subparagraph 5.19(5)(b)(ii)

Repeal the subparagraph, substitute:

- (ii) is the same occupation in relation to which the identified person’s most recently held Subclass 457 (Temporary Work (Skilled)) visa, Subclass 482 (Temporary Skill Shortage) visa or Subclass 482 (Skills in Demand) visa was granted;

116 Paragraphs 5.19(5)(e) to (g)

Repeal the paragraphs.

117 At the end of paragraph 5.19(5)(o)

Add:

- and (iv) the words in paragraph 2.72(15)(d) were replaced with “the annual market salary rate, excluding any non-monetary benefits, for the occupation (determined by the person in accordance with an instrument made under subregulation 2.72(17)) is not less than the amount of the core skills income threshold”; and
- (v) the words in paragraph 2.72(15)(f) were replaced with “the identified person’s annual earnings, excluding any non-monetary benefits, in relation to the occupation will not be less than the amount of the core skills income threshold”; and

- (vi) the words in subparagraph 2.72(16)(a)(i) were replaced with “the annual market salary rate for the occupation (determined by the person in accordance with an instrument made under subregulation 2.72(17)) is not less than the amount of the core skills income threshold”;

118 After subregulation 5.19(5)

Insert:

Additional requirements for approval—nominations relating to the Subclass 187 (Regional Sponsored Migration Scheme) visa in the Temporary Residence Transition stream.

- (5A) If the nomination relates to a Subclass 187 (Regional Sponsored Migration Scheme) visa in the Temporary Resident Transition stream, the following requirements must also be met:
 - (a) at the time the application is made, the identified person holds:
 - (i) a Subclass 457 (Temporary Work (Skilled)) visa; or
 - (ii) a Subclass 482 (Temporary Skill Shortage) visa; or
 - (iii) if the last substantive visa held by the identified person was a visa mentioned in subparagraph (i) or (ii)—a bridging visa granted on the basis that the person is an applicant for a visa mentioned in subparagraph (i) or (ii), a Subclass 186 (Employer Nomination Scheme) visa or a Subclass 187 (Regional Sponsored Migration Scheme) visa;
 - (b) the occupation:
 - (i) is listed in ANZSCO; and
 - (ii) has the same 4-digit ANZSCO occupation unit group code as the occupation in relation to which the identified person’s most recently held Subclass 457 (Temporary Work (Skilled)) visa or Subclass 482 (Temporary Skill Shortage) visa was granted;
 - (c) either:
 - (i) there is no information known to Immigration that indicates that the identified person is not genuinely performing the tasks of the occupation as specified in ANZSCO; or
 - (ii) it is reasonable to disregard any such information;
 - (d) during the period of 3 years immediately before the application is made, the identified person held one or more of the following for a total period of at least 2 years:
 - (i) a Subclass 457 (Temporary Work (Skilled)) visa;
 - (ii) a Subclass 482 (Temporary Skill Shortage) visa;
 - (e) unless paragraph (f) applies—during the period of 3 years immediately before the application is made, the identified person was employed in the position in relation to which the visa, or visas, mentioned in paragraph (d) were granted:
 - (i) for a total period of at least 2 years (not including any periods of unpaid leave); and
 - (ii) on a full-time basis, with the employment being undertaken in Australia;
 - (f) if the visa, or visas, mentioned in paragraph (d) were granted in relation to an occupation specified in an instrument made under

subregulation 2.72(13)—during the period of 3 years immediately before the application is made, the identified person was employed in the occupation for a total period of at least 2 years (not including any periods of unpaid leave);

- (g) the nominator:
 - (i) was the standard business sponsor, or the party to a work agreement, who last identified the identified person in a nomination approved under section 140GB of the Act; and
 - (ii) is actively and lawfully operating a business in Australia;
- (h) the application identifies a need for the identified person to be employed in the position, under the direct control of the nominator;
- (i) there is a genuine need for the identified person to be employed in the position, under the direct control of the nominator;
- (j) the identified person will be employed on a full-time basis in the position for at least 2 years;
- (k) the terms and conditions of the identified person’s employment will not include an express exclusion of the possibility of extending the period of employment;
- (l) the nominator’s business has the capacity to employ the identified person for at least 2 years and to pay the person at least the annual market salary rate for the occupation each year;
- (m) requirements set out in subregulation 2.72C(15) are met, applying subregulations 2.72C(15) and (16) as if:
 - (i) paragraph 2.72C(15)(a) did not apply; and
 - (ii) references to the nominee were references to the identified person; and
 - (iii) references to the person were references to the nominator;
- (n) either:
 - (i) there is no information known to Immigration that indicates that the employment conditions (other than in relation to earnings) that will apply to the identified person are less favourable than those that apply, or would apply, to an Australian citizen or an Australian permanent resident performing equivalent work at the same location; or
 - (ii) it is reasonable to disregard any such information;
- (o) the nominator has provided the information required by the Minister for the purposes of paragraphs (i) to (l) of this subregulation.

119 Subregulation 5.19(6)

Omit “(5)(e), (f) and (g)”, substitute “(5A)(d), (e) and (f)”.

120 Subregulation 5.19(7)

After “and (l)”, insert “and (5A)(h), (i) and (j)”.

121 At the end of paragraph 5.19(9)(h)

Add:

- and (iv) the words in paragraph 2.72(15)(d) were replaced with “the annual market salary rate, excluding any non-monetary benefits, for the occupation (determined by the person in accordance with an

- instrument made under subregulation 2.72(17)) is not less than the amount of the core skills income threshold”; and
- (v) the words in paragraph 2.72(15)(f) were replaced with “the identified person’s annual earnings, excluding any non-monetary benefits, in relation to the occupation will not be less than the amount of the core skills income threshold”; and
 - (vi) the words in subparagraph 2.72(16)(a)(i) were replaced with “the annual market salary rate for the occupation (determined by the person in accordance with an instrument made under subregulation 2.72(17)) is not less than the amount of the core skills income threshold”;

122 At the end of Subdivision 186.22 of Schedule 2

Add:

186.226

- (1) During the period of 3 years immediately before the application for the visa is made, the applicant held one or more of the following for a total period of at least 2 years:
 - (a) a Subclass 457 (Temporary Work (Skilled)) visa;
 - (b) a Subclass 482 (Temporary Skill Shortage) visa;
 - (c) a Subclass 482 (Skills in Demand) visa;
 - (d) if the last substantive visa held by the applicant was a visa mentioned in paragraph (a), (b) or (c)—a bridging visa granted on the basis that the person was an applicant for a visa mentioned in paragraph (a), (b) or (c), a Subclass 186 (Employer Nomination Scheme) visa or a Subclass 187 (Regional Sponsored Migration Scheme) visa.
- (2) The Minister may, by legislative instrument, specify different periods of time for the purposes of subclause (1) for persons specified in the instrument.

186.227

- (1) Subject to subclause (2), during the period of 3 years immediately before the application for the visa is made, the applicant was employed in an occupation in relation to which the visa, or visas, mentioned in paragraph 186.226(a), (b) or (c) were granted:
 - (a) for a total period of at least 2 years (not including any periods of unpaid leave); and
 - (b) on a full-time basis, with the employment being undertaken in Australia.
- (2) If the visa, or visas, mentioned in paragraph 186.226(a), (b) or (c) were granted in relation to an occupation specified in an instrument made under subregulation 2.72(13)—during the period of 3 years immediately before the application is made, the applicant was employed in the occupation for a total period of at least 2 years (not including any period of unpaid leave).
- (3) The Minister may, by legislative instrument, specify different periods of time for the purposes of subclauses (1) and (2) for persons specified in the instrument.

123 Clause 186.312 of Schedule 2

Repeal the clause.

Part 3—Aligning Sponsorship Obligations

Migration Regulations 1994

124 Regulation 2.79 (heading)

After “Subclass 457 (Temporary Work (Skilled)) visa”, insert “, Subclass 482 (Skills in Demand) visa”.

125 Paragraph 2.80(3)(d)

After “Subclass 457 (Temporary Work (Skilled)) visa,”, insert “the Subclass 482 (Skills in Demand) visa,”.

126 Sub-subparagraph 2.80(5)(b)(ii)(A)

After “Subclass 457 (Temporary Work (Skilled)) visa” (second occurring), insert “, a Subclass 482 (Skills in Demand) visa”.

127 Sub-subparagraph 2.80(5)(b)(iii)(B)

After “Subclass 457 (Temporary Work (Skilled)) visa,”, insert “the Subclass 482 (Skills in Demand) visa,”.

128 Sub-subparagraph 2.80(5)(c)(ii)(A)

After “Subclass 457 (Temporary Work (Skilled)) visa” (second occurring), insert “, a Subclass 482 (Skills in Demand) visa”.

129 Sub-subparagraph 2.80(5)(c)(iii)(B)

After “Subclass 457 (Temporary Work (Skilled)) visa,”, insert “the Subclass 482 (Skills in Demand) visa,”.

130 Subregulation 2.86(2)

After “Subclass 457 (Temporary Work (Skilled)) visa,” (wherever occurring), insert “a Subclass 482 (Skills in Demand) visa,”.

131 Paragraph 2.86(2A)(a)

After “Subclass 457 (Temporary Work (Skilled)) visa” (wherever occurring), insert “, a Subclass 482 (Skills in Demand) visa”.

132 Paragraph 2.86(2AA)(aa)

After “Subclass 457 (Temporary Work (Skilled)) visa” (wherever occurring), insert “, a Subclass 482 (Skills in Demand) visa”.

133 Paragraphs 2.86(2AB)(c) and (d)

After “Medium-term stream”, insert “(as in force before 7 December 2024)”.

134 At the end of subregulation 2.86(2AB)

Add:

- ; (e) a primary sponsored person who holds a Subclass 482 (Skills in Demand) visa in the Specialist Skills stream or Core Skills stream;

- (f) a primary sponsored person whose last substantive visa was a Subclass 482 (Skills in Demand) visa in the Specialist Skills stream or Core Skills stream.

135 Sub-subparagraph 2.86(3)(b)(ii)(A)

After “Subclass 457 (Temporary Work (Skilled)) visa” (second occurring), insert “, a Subclass 482 (Skills in Demand) visa”.

136 After subparagraph 2.86(3)(b)(ii)

Insert:

- (ia) the day on which the primary sponsored person ceases employment with the approved work sponsor; and

137 Amendments of listed provisions

After “Subclass 457 (Temporary Work (Skilled)) visa” (wherever occurring), insert “, a Subclass 482 (Skills in Demand) visa” in the following provisions:

- (a) subparagraphs 2.79(1)(a)(i) and (ii);
- (b) subparagraphs 2.79(1)(b)(i) and (ii);
- (c) subparagraphs 2.79(1A)(a)(i) and (ii);
- (d) subparagraph 2.79(4)(a)(iii);
- (e) sub-subparagraph 2.79(4)(b)(i)(A);
- (f) subparagraphs 2.80(1)(d)(i) and (ii);
- (g) subparagraphs 2.80(1)(e)(i) and (ii);
- (h) subparagraph 2.80(5)(a)(ii);
- (i) sub-sub-subparagraph 2.80(5)(c)(iii)(C)(II);
- (j) sub-paragraphs 2.82(3)(c)(i) and (ii);
- (k) subregulation 2.86(2C).

Part 4—Operation of amendments

Migration Regulations 1994

138 In the appropriate position in Schedule 13

Insert:

Part 145—Amendments made by the Migration Amendment (2024 Measures No. 1) Regulations 2024

14501 Definitions

In this Part:

amending regulations means the *Migration Amendment (2024 Measures No. 1) Regulations 2024*.

14502 Operation of Part 1 of Schedule 1

- (1) Division 2.17 of Part 2A, as amended by Part 1 of Schedule 1 to the amending regulations, applies in relation to the nomination of a proposed occupation that is made on or after 7 December 2024.
- (2) If:
 - (a) a nomination of a proposed occupation was made in relation to a proposed applicant for a Subclass 482 (Temporary Skill Shortage) visa before 7 December 2024; and
 - (b) no Subclass 482 (Temporary Skill Shortage) visa application was made in relation to the nomination before 7 December 2024;then the nominated occupation:
 - (c) is taken, from when it is, or was, approved, to have been approved in relation to an applicant or proposed applicant for a Subclass 482 (Skills in Demand) visa; and
 - (d) is taken to have been nominated for that visa in:
 - (i) if the occupation is an occupation in Major Group 1, 2, 4, 5 or 6 in ANZSCO and the annual earnings (excluding non-monetary benefits) for an applicant in relation to the occupation is equal to or more than the specialist skills income threshold—the Specialist Skills stream; or
 - (ii) otherwise—the Core Skills stream; and
 - (e) continues in effect until the approval of the nomination ceases under regulation 2.75, as amended by Part 1 of Schedule 1 to the amending regulations.
- (3) Schedules 1 and 2 to these Regulations, as amended by Part 1 of Schedule 1 to the amending regulations, apply in relation to an application for a visa made on or after 7 December 2024.
- (4) Despite the amendments of clause 8607 of Schedule 8 to these Regulations made by Part 1 of Schedule 1 to the amending regulations, that clause, as in force immediately before 7 December 2024, continues to apply in relation to the following as if the amendments had not been made:

- (a) a visa granted before 7 December 2024;
- (b) a visa granted on or after 7 December 2024, if the visa is granted as a result of an application for the visa made before 7 December 2024.

14503 Operation of Part 2 of Schedule 1

- (1) Regulation 5.19, as amended by Part 2 of Schedule 1 to the amending regulations, applies in relation to an application for the approval of the nomination of a position made on or after 7 December 2024.
- (2) Clauses 186.226 and 186.227 of Schedule 2 to these Regulations, as inserted by Part 2 of Schedule 1 to the amending regulations, apply in relation to an application for a visa:
 - (a) made on or after 7 December 2024; and
 - (b) made in relation to a position nominated in an application made under regulation 5.19 on or after 7 December 2024.
- (3) The amendment of these Regulations made by item 123 of Part 2 of Schedule 1 to the amending regulations, applies in relation to an application for a visa:
 - (a) made, but not finally determined, before 7 December 2024; or
 - (b) made on or after 7 December 2024.

14504 Operation of Part 3 of Schedule 1

Subregulation 2.86(3), as amended by Part 3 of Schedule 1 to the amending regulations, applies to a person who is an approved work sponsor in relation to a primary sponsored person whether the sponsor's approval in relation to the primary sponsored person was given before, on or after 7 December 2024.