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General Skilled Migration



Australian Government
**Department of Immigration
and Citizenship**

This booklet contains information on the Offshore General Skilled Migration (Migrant) and (Provisional) visa categories.

For information on the Onshore General Skilled Migration visa categories see www.immi.gov.au/migration/skilled/

About this booklet

This booklet is designed so that you can understand the steps for applying for **General Skilled Migration** to Australia, and complete the application form with minimal, if any, help.

This booklet is intended as a guide only. You should visit the Department of Immigration and Citizenship (the department) website www.immi.gov.au/skilled/general-skilled-migration/ to obtain up-to-date information.

This booklet is one of a series of booklets about migration to Australia. The other booklets are:

- 1 Partner Migration
- 2 Child Migration
- 3 Parent Migration
- 4 Other Family Migration
- 5 Employer Sponsored Migration
- 7 Business Skills Entry
- 8 Special Migration

For general information about migration to Australia, read information form 1126i *Migrating to Australia*, or visit the department's website www.immi.gov.au

Using a migration agent

You do not need to use a migration agent to lodge a visa application. However, if you choose to use an agent, the department recommends that you use a registered migration agent.

Under Australian law, anyone who uses knowledge of migration procedures to offer immigration assistance to a person wishing to obtain a visa to enter or remain in Australia must be registered or exempt from registration (see pages 43–44).

All registered migration agents are bound by the Migration Agents Code of Conduct, which requires agents to act professionally in their clients' lawful best interests. A list of registered migration agents is available from the Office of the Migration Agents Registration Authority (Office of the MARA) website www.themara.com.au

You can contact the Office of the MARA at:

E-mail: themara@themara.com.au

PO Box Q1551
QVB NSW 1230
AUSTRALIA

Telephone: 61 2 9299 5446

Fax: 61 2 9299 8448

The Office of the MARA investigates complaints against registered migration agents and may take disciplinary action against them. If you have a concern about a registered migration agent, you should contact the Office of the MARA. The Code of Conduct and complaint form are available from the Office of the MARA website.

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www.immi.gov.au

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Continued overleaf

This booklet contains information on the Offshore General Skilled Migration visa categories.

Information on the Onshore General Skilled Migration visa categories is not included in this booklet. See www.immi.gov.au/skilled/

The department offers an online visa application service for General Skilled Migration visa applicants. See www.immi.gov.au/e_visa/

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Introduction

This booklet is about the various Offshore General Skilled Migration visas and their requirements and is current at the date of publication. For the most detailed and current information on General Skilled Migration it is recommended you visit the department's website www.immi.gov.au/skilled/

If you are applying for one of the Onshore General Skilled categories you will need to visit the department's website as this booklet **does not** contain any information on these visa categories.

This booklet will assist you to understand the steps for applying for General Skilled Migration to Australia, assess your eligibility to apply, and to complete the application form with minimal, if any, help.

Please read all of this booklet as it will help you to understand what requirements you need to meet in order to have your application for one of the Offshore General Skilled Migration visas granted.

Part 1 contains information on the basic requirements you need to meet in order to have your application accepted. If you are not able to meet these requirements then General Skilled Migration is not the right migration option for you.

If you are able to meet the basic General Skilled Migration requirements you then need to select a visa category. The categories and their visas are described in Part 2. You need to select the most appropriate visa for your circumstances as this will help to ensure your application is successful.

When you have selected the most appropriate visa for you, Part 3 will help you to assess your eligibility. You also need to read the section 'Limitations on applications' (page 41) which has information on restrictions that may be imposed if you are in Australia when you want to lodge your application.

For information on the Skilled – Graduate and Skilled – Recognised Graduate Temporary visas see form 1187i *Graduate Skilled Temporary visas*.

Where to apply

If you wish to lodge an application for a General Skilled Migration visa the department offers an online visa application service. See www.immi.gov.au/e_visa/

All paper applications for a General Skilled Migration visa from outside Australia or in Australia must be sent to the following address only:

By mail:

Adelaide Skilled Processing Centre
Department of Immigration and Citizenship
GPO Box 1638
ADELAIDE SA 5001
AUSTRALIA

By courier:

Adelaide Skilled Processing Centre
Department of Immigration and Citizenship
4th Floor, 55 Currie Street
ADELAIDE SA 5000
AUSTRALIA

Enquiries

Telephone: 1300 364 613 (if calling from outside Australia dial the international code +61)

Fax: 61 8 8237 6629

Online enquiry form: www.immi.gov.au/contacts/

Terms you need to know

To understand the requirements for General Skilled Migration to Australia, you need to know these terms.

| | |
|----------------------------|--|
| Applicant | The applicant is the person (or persons) applying to migrate to Australia. |
| ASPC | Adelaide Skilled Processing Centre |
| Assessing authority | An assessing authority is a professional body or organisation with the expertise and knowledge to decide what skills are required for working in a particular skilled occupation. Applicants need to obtain a skills assessment for their nominated occupation from the relevant assessing authority. To identify the relevant assessing authority for your skilled occupation see form 1121i <i>Skilled Occupation List (SOL) and Employer Nomination Scheme Occupation List (ENSOL)</i> . |
| Australian mission | An Australian Embassy, High Commission or Consulate or Consulate-Mission General or Australian Trade Commission. |
| Certified copy | <p>Copy of a document authorised, or stamped as being a true copy of the original, by a person or agency recognised by the law of the person's home country. In Australia, this means a copy which is authorised as a true copy by a person before whom a Statutory Declaration may be made. Such authorised persons include the following: magistrate, Justice of the Peace, Commissioner for Declarations, Commissioner for Affidavits, solicitor, registered medical practitioner, bank manager, postal manager, an Australian Public Service Officer with 5 years or more service.</p> <p>The department also accepts documents certified by a registered migration agent.</p> |
| Child | <p>Child (when used in relation to another person) means:</p> <ul style="list-style-type: none"> • a natural (biological) child; or • an adopted child within the meaning of the <i>Migration Act 1958</i>; or • a child conceived through an artificial conception procedure as provided for in the <i>Family Law Act 1975</i>; or • a child born under surrogacy arrangements, where parentage has been transferred by court order under a prescribed state or territory law. |
| CRICOS | Commonwealth Register of Institutions and Courses for Overseas Students. To determine if a course is CRICOS registered, visit the Department of Education, Employment and Workplace Relations' website http://cricos.dest.gov.au |
| Date of completion | The date of completion of an Australian qualification is the first date on which the tertiary institution publicly notifies you that you have met the requirements for the award. This notification can occur by letter, on the internet, by publication in a newspaper, by e-mail, or by bulletin board at the tertiary institution. It is not the date of conferral of your award. The date of conferral is the date that you actually receive your degree. |

Terms you need to know (continued)

De facto partner

A person is the de facto partner of another person (whether of the same sex or a different sex) if the person is in a de facto relationship with the other person.

De facto relationship

For the purposes of a General Skilled Migration visa application, a person is in a de facto relationship with another person if:

- they are not in a married relationship (for the purposes of the *Migration Act 1958*) with each other;
- they are not related by family;
- they have a mutual commitment to a shared life to the exclusion of all others;
- the relationship between them is genuine and continuing;
- they live together or do not live separately and apart on a permanent basis; and
- the relationship has continued for the period of 12 months immediately preceding the date of application.

Note: The 12-month relationship requirement does not apply if the applicant can establish that there are compelling and compassionate circumstances for the grant of the visa.

Department

Department of Immigration and Citizenship.

Eligible New Zealand Citizen

For sponsorship purposes, an Eligible New Zealand Citizen is a person who held a Special Category Visa (SCV) on 26 February 2001; or held a SCV for at least one year in the 2 years preceding that date; or has a certificate, issued under the *Social Security Act 1991*, that states that the New Zealand citizen was, for the purposes of that Act, residing in Australia on a particular date. Applications for these certificates closed on 26 February 2004 (for further details please contact Centrelink on 131 673).

In order for an eligible New Zealand citizen to be a sponsor they must meet health and character requirements. The case officer processing the application will advise whether health and/or character checks will need to be undertaken.

Eligible overseas student

Refers to overseas students in Australia who are eligible to apply for the onshore students in Australia visa categories. For more details please refer to the Onshore General Skilled categories on the department's website www.immi.gov.au/skilled/

Employment

Having worked in paid employment for at least 20 hours a week.

IELTS

This refers to International English Language Testing System, the test required to assess your English language ability for migration purposes.

For more details about IELTS, please visit the IELTS website www.ielts.org

Terms you need to know (continued)

| | |
|--|---|
| Married relationship | <p>Persons are in a married relationship if:</p> <ul style="list-style-type: none"> • they are married to each other under a marriage that is valid for the purposes of the <i>Migration Act 1958</i>; • they have a mutual commitment to a shared life as husband and wife to the exclusion of all others; • the relationship between them is genuine and continuing; and • they live together or do not live separately and apart on a permanent basis. |
| OET | <p>This refers to the Occupational English Test. In some professions, applicants are required to sit this test as part of the qualifications assessment. www.oet.com.au</p> |
| Partner | <p>A spouse or de facto partner.</p> |
| Pass mark | <p>This is the total number of points you must score to pass the points test. Check the the department's website www.immi.gov.au/skilled/ for the current pass mark.</p> |
| Permanent visa | <p>Permanent visa holders are able to enter, live and work in Australia indefinitely. After a specified period they can apply for Australian Citizenship.</p> |
| Points test | <p>For some categories, you must pass a points test. The pass mark changes from time to time. Before choosing a category to apply under, you should do a self-assessment. More details about the points test and self-assessment are given in Part 3.</p> |
| Pool mark | <p>If you do not achieve the pass mark, the pool mark is the total number of points you must score if your application is to be held in reserve for up to 2 years after it is assessed, in case a newer, lower pass mark is set.</p> |
| Provisional visa | <p>A General Skilled Migration provisional visa allows the holder to enter, live and work in Australia for a specified period. Provisional General Skilled Migration visas provide a pathway to permanent residence in Australia.</p> |
| Regional Australia/low population growth metropolitan areas | <p>The list of regional Australia/low population growth metropolitan areas for the purposes of awarding points for studying and residence in regional Australia is available from the department's website www.immi.gov.au/skilled/</p> |
| Skilled Occupation List (SOL) | <p>If you are intending to apply under one of the General Skilled Migration categories, you must have a nominated occupation which is on the SOL at the time you apply.</p> <p>For more details about the SOL, please read form 1121i which is included in the Skilled Migration pack or available from the department's website www.immi.gov.au/allforms/</p> |
| Sponsor | <p>For some categories you must be sponsored. A sponsor is a relative aged 18 years or over who is an Australian citizen or permanent resident or an Eligible New Zealand Citizen and is prepared to sponsor your application and who undertakes to assist the applicant, to the extent necessary, financially and in relation to accommodation for a period of 2 years.</p> |
| Spouse | <p>A person is the spouse of another person if they are in a married relationship.</p> |

Terms you need to know (continued)

Statutory Declaration

This declaration must be made before a person authorised by the *Statutory Declarations Act 1959* and Regulations, which include the following: magistrate, Justice of the Peace, Commissioner for Declarations, Commissioner for Affidavits, solicitor, registered medical practitioner, bank manager, postal manager, an Australian Public Service Officer with 5 years or more service.

Substantive visa

A substantive visa means a visa other than:

- a bridging visa; or
- a criminal justice visa; or
- an enforcement visa.

Australian study requirement

To meet the Australian study requirement you must have completed course work for the award by an Australian educational institution, one or more degree, diploma or trade qualification. The course or courses must:

- be registered on CRICOS as being a total of at least 92 weeks duration;
- be completed in no less than 16 calendar months
- have been undertaken while in Australia; and
- have had all instruction conducted in English.

Any study used to meet the Australian study requirement must be closely related to the nominated occupation and undertaken on a visa that allows you to study in Australia.

Forms associated with a General Skilled Migration application

Information forms

| | |
|------------|---|
| Form 886 | <i>Settlement details</i> |
| Form 959i | <i>Migrating to Australia – Skilled Migration</i> |
| Form 990i | <i>Charges</i> |
| Form 1071i | <i>Health requirement for permanent entry to Australia</i> |
| Form 1121i | <i>Skilled Occupation List (SOL) and Employer Nomination Scheme Occupation List (ENSOL)</i> |
| Form 1163i | <i>Health requirement for temporary entry to Australia</i> |
| Form 1187i | <i>Graduate Skilled Temporary visas</i> |

More information on penal clearances is available from the department's website www.immi.gov.au/allforms/

Application forms

| | |
|-----------|--|
| Form 26 | <i>Medical examination for an Australian visa</i> |
| Form 47A | <i>Details of child or other dependent family member aged 18 years or over</i> |
| Form 80 | <i>Personal particulars for character assessment</i> |
| Form 160 | <i>Radiological report on chest x-ray of an applicant for an Australian visa</i> |
| Form 1276 | <i>Application for general skilled migration to Australia</i> |
| Form 1277 | <i>Application for sponsorship under general skilled migration</i> |

Note: All forms are available free of charge from the department's website www.immi.gov.au/allforms/

PART 1

Basic requirements

For General Skilled Migration to Australia, you must be able to satisfy the following basic requirements.

Age

You must be **under 45** years of age when you apply.

English language

To work in a skilled occupation in Australia you need to have good English. Applicants for a General Skilled Migration visa are required to have 'competent' English. A further exception applies to applicants for provisional visas who will meet the English language threshold if they have 'concessional competent' English and are sponsored by an eligible relative or a participating state or territory. For some professional occupations, the assessing authority will require a higher level of English as part of their skills assessment process.

You must submit evidence of your English language ability when you lodge your application so you will need to have your English skills tested before you apply unless you hold a passport and are citizens of:

- the United Kingdom;
- the United States of America;
- Canada;
- Ireland; or
- New Zealand.

Qualifications

You must have been awarded a post secondary qualification which is at least equivalent to an Australian Bachelors degree (or higher), diploma or trade qualification [Australian Qualification Framework (AQF) certificate III or IV]. You also need to have your skills assessed by the relevant assessing authority as suitable for working in your nominated occupation.

Note: In exceptional cases if an applicant without a post secondary qualification nominates a highly specialised 60 point skilled occupation and has extensive skilled work experience this may be accepted. This would only be considered if the assessing authority has issued a positive skills assessment based on the applicant's work experience in that occupation.

Nominated occupation

When you apply, you must nominate a skilled occupation which fits your skills and qualifications. Your nominated occupation must be on the **Skilled Occupation List** (SOL) (for more details about the SOL please read form 1121i available from the department's website www.immi.gov.au/allforms/)

Note: If your nominated occupation is not on the SOL you cannot apply.

Recent work experience

This requirement is separate to the need to have your skills assessed as suitable for your nominated occupation before you apply.

You must provide evidence that you have been in paid employment in a skilled occupation on the SOL (form 1121i *Skilled Occupation List (SOL) and Employer Nomination Scheme Occupation List (ENSOL)*) for at least 12 months in the 24 months immediately before applying. This period of employment must have been accrued when you were in the workplace. This includes any extended paid leave such as maternity or other family leave.

If you are using skilled work experience gained in Australia to meet this requirement, that work must have been undertaken at the appropriate skill level and when you held a visa that permitted you to work.

For some skilled occupations you may need to have a longer period of specific work experience to be issued with a skills assessment.

Recent work experience exemption

- you do not need to meet the work experience requirement if you meet the **Australian study requirement** (see page 6) less than 6 months before lodging your visa application.

If you intend taking advantage of this concession you should note that the 6 month period begins from the **date of completion** (see page 3) of the qualification, and **not** from the date the qualification was conferred.

This exemption **cannot** be used to waive any specific work experience requirement imposed by an assessing body as part of a skills assessment.

Skills assessment

Before you apply, you **must** have had your skills assessed as suitable for your occupation by an assessing authority (as outlined on form 1121i *Skilled Occupation List (SOL) and Employer Nomination Scheme Occupation List (ENSOL)*) for your nominated occupation.

You also need to find out if the occupation you have nominated requires you to be registered, licensed, or be a member of a professional or industry organisation.

Where an Australian qualification is used as the basis for a skills assessment it must have been awarded as a result of undertaking a full-time CRICOS registered course while being the holder of an eligible student visa.

Note: These assessing authorities are responsible for undertaking skills assessment for migration purposes, and are **NOT** employment agencies. The assessing authorities will not reply to requests for job placement. Nor can they give advice on the allocation of points.

In addition to your skills assessment, you may need to obtain licensing or registration in your occupation before you can work in the state or territory where you settle. You may also require additional training or membership of a particular industry association. Information on licensing, registration, industry associations and a number of other skills recognition topics for all occupations on the Skilled Occupations list is available from the department's website www.immi.gov.au/skilled/

A skills assessment is not required when applying for the Skilled Recognised Graduate (subclass 476) visa.

Note: If you are not able to satisfy these basic requirements, you will NOT be eligible for General Skilled Migration.

PART 2

Categories

General Skilled Migration visa categories (Offshore)

To apply for General Skilled Migration you need to select the visa with the requirements you believe that you will be able to meet. After reading the information provided in Part 2 and Part 3, you will be able to select the most appropriate visa using the information provided. There are 3 categories – Permanent, Provisional and Temporary. If you are not able to meet the requirements for one of the permanent visas, a provisional or temporary visa can provide a pathway to permanent residence.

Note: As the following General Skilled Migration visas are ‘offshore’ visas, this generally means if you (and any dependants included in your application) are in Australia, you can apply for one of these visas but you **must** be outside Australia when your visa is granted.

If you are a New Zealand citizen who holds a Special Category visa (subclass 444) and you apply for General Skilled Migration while in Australia, you can be in Australia or outside Australia when your visa is granted.

Permanent visas

You must be highly skilled, hold a post secondary qualification (unless you can demonstrate you have extensive, highly specialised skilled work experience in a 60 point occupation) and have good English. As these are points tested visas, you will also need to have sufficient skill points to reach the pass mark. (See Part 3 – ‘Points Test and self assessment’).

Skilled – Independent (subclass 175)

To be eligible for this visa you must:

- satisfy the basic requirements (see page 7);
- be able to pass the points test;
- at the time you apply, you must submit evidence that:
 - you are under 45 years of age;
 - you have been employed in a skilled occupation for at least 12 of the last 24 months OR you met the Australian study requirement in the last 6 months;
 - the relevant assessing authority has assessed your skills as suitable for working in your nominated occupation (if the assessment is based on an Australian qualification obtained on a student visa it must have been part of a CRICOS registered course); and
 - you have ‘competent’ English.

Skilled – Sponsored (subclass 176)

To be eligible for this visa you must:

- satisfy the basic requirements (see page 7);
- be able to pass the points test;
- be nominated by a state or territory government or sponsored by an eligible Australian relative;
- at the time you apply, you must submit evidence that:
 - you are under 45 years of age;
 - you have been employed in a skilled occupation for at least 12 of the last 24 months OR you met the Australian study requirement in the last 6 months;
 - the relevant assessing authority has assessed your skills as suitable for working in your nominated occupation (if the assessment is based on an Australian qualification obtained on a student visa it must have been part of a CRICOS registered course); and
 - you have ‘competent’ English.

Sponsorship by a relative

If you have a relative who is willing to sponsor you, he or she will need to be an Australian citizen, permanent resident or ‘eligible New Zealand citizen’ (see page 4). You or your partner must be related to your sponsor as:

- a non-dependent child or step-child;
- a parent or step-parent;
- a brother or sister, step-brother or step-sister;
- a niece or nephew, step-niece or step-nephew; or
- an aunt or uncle, step-aunt or step-uncle).

If you are relying on sponsorship by a person related to your partner, your partner must be included in your application.

To ensure the processing of your application is not delayed, please include **a diagram of your family tree** with your application. You will also need to include all relevant documents as evidence of your relationship to your sponsor.

State/Territory nomination

If you are considering nomination by a state or territory government you must be willing to settle in that state or territory. Participating states and territories select who is eligible for nomination on the basis of the skills in demand in that jurisdiction. (Please check the department's website www.immi.gov.au/skilled/ for the latest list and related links.)

States and territories aim to select skilled migrants who have a good chance of gaining employment in that state or territory within a short time of their arrival. A state or territory is not the employer and there is no employer nomination. As nomination is based on there being a need for individuals with your skills it is expected that you will be able to find employment quickly but this is not guaranteed.

If you accept a nomination there are a number of obligations you will be required to meet. These include that you:

- remain in the nominating state or territory for at least 2 years; and
- will keep the state or territory informed of changes in your address details before and after arrival; and
- will be prepared to complete surveys and provide information as required; and
- will meet any other requirements of the nominating state or territory.

Options if you are unable to meet the Skilled permanent visa pass mark

Skill Matching Database

If you meet the pool mark you can still lodge your application and indicate on the application form that you would like to be registered on the Skill Matching Database (see page 16).

Provisional Skilled visa

If you meet the basic requirements for General Skilled Migration you may wish to consider lodging, with the support of a state or territory government agency or an eligible relative living in a 'Designated Area', an application for a Skilled – Regional Sponsored visa (see page 13).

Provisional visas

Provisional visas provide a pathway to permanent residence for visa holders.

Skilled – Regional Sponsored (subclass 475)

This visa is points tested but has a lower pass mark than the permanent visas and a lower level of English language ability (see below).

To apply, you must:

- be able to satisfy basic requirements;
- be able to pass the points test; and
- be sponsored by an eligible Australian relative living in a 'Designated Area', or nominated by a participating state or territory government agency.

The visa is valid for 3 years and as a holder of this visa you must abide by the condition that you live, work and/or study in 'Regional Australia' or a 'Designated Area'.

English language requirement

If you do not have **'competent' English** you may still qualify under this category if you have achieved an average band score of 6.0 (in an IELTS test) and you are sponsored by an eligible relative or a **participating state or territory**.

Information about which states/territories participate in this scheme can be found at www.immi.gov.au/skills/

Where you must live, work and/or study

Where you are required to live, work and/or study will depend on who has supported your visa application. If you were sponsored by a relative it will be in a 'Designated Area' and if you have state or territory nomination, 'a regional area or low population growth metropolitan area'. (See pages 14 and 15 for the list of areas that meet these definitions.)

Sponsorship by a relative

If you have a relative living in a 'Designated Area' who is willing to sponsor you, he or she will need to be an Australian citizen, permanent resident or 'eligible New Zealand citizen' (see page 4). You or your partner must be related to your sponsor as:

- a non-dependent child or non-dependent step-child;
- a parent or step-parent;
- a brother or sister, step-brother or step-sister;
- a niece or nephew, step-niece or step-nephew;
- an aunt or uncle, step-aunt or step-uncle;
- a first cousin; or
- a grandchild or step-grandchild.

If you are relying on sponsorship by a person related to your partner, your partner must also be included in your application.

To ensure the processing of your application is not delayed, please include **a diagram of your family tree** with your application. You will also need to include all relevant documents as evidence of your relationship to your sponsor and their residential address.

Designated Areas

| State or Territory | Designated Area |
|------------------------------|--|
| Australian Capital Territory | Entire territory |
| New South Wales | Postcodes 2311 to 2312 (except Sydney, Newcastle and Wollongong) 2328 to 2333 2336 to 2490 2535 to 2551 2575 to 2739 2787 to 2898 |
| Northern Territory | Entire territory |
| Queensland | Postcodes 4019 to 4028 (except Brisbane metropolitan area) 4037 to 4050 4079 to 4100 4114, 4118 4124 to 4150 4158 to 4168 4180 to 4899 |
| South Australia | Entire state |
| Tasmania | Entire state |
| Victoria | Entire state |
| Western Australia | Postcodes 6042–6044 (except Perth metropolitan area) 6126 6200 to 6799 |

State/Territory Nomination

For further information on state/territory government nomination, links to the websites of the participating governments can be accessed from the department's website www.immi.gov.au/skilled/

Regional Australia or Low population growth metropolitan areas

| Regional Australia and low population growth metropolitan areas | Postcodes inclusive |
|--|---|
| New South Wales (except Sydney, Newcastle, the Central Coast and Wollongong) | 2311 to 2312 2328 to 2411 2420 to 2490 2536 to 2551 2575 to 2594 2618 to 2739 2787 to 2898 |
| Northern Territory | All postcodes within the Northern Territory |
| Queensland (except the greater Brisbane area and the Gold Coast) | 4124 to 4125 4133, 4211 4270 to 4272 4275, 4280, 4285, 4287 4307 to 4499 4515 4517 to 4519, 4522 to 4899 |
| South Australia | All postcodes within South Australia |
| Tasmania | All postcodes within Tasmania |
| Victoria (except Melbourne metropolitan area) | 3211 to 3334 3340 to 3424 3430 to 3649 3658 to 3749, 3753, 3756, 3758, 3762, 3764 3778 to 3781 3783, 3797, 3799 3810 to 3909 3921 to 3925 3945 to 3974 3979 3981 to 3996 |
| Western Australia (except Perth and surroundings areas) | 6041 to 6044 6083 to 6084 6121 to 6126 6200 to 6799 |

Permanent residence for Skilled – Regional Sponsored visa holders

If you are granted a Skilled – Regional Sponsored visa you can apply for a permanent visa with the support of an employer in regional Australia at any time. Information on the Regional Sponsored Migration Scheme (RSMS) is available from the department's website www.immi.gov.au/skilled/skilled-workers/rsms/

Once you have held your provisional visa for at least 2 years you can apply for a permanent General Skilled Migration visa if you have lived for 2 years and worked full-time for at least one year in a 'Designated Area' or 'Regional Australia'. To be granted a permanent General Skilled Migration visa you must have complied with the conditions of your provisional visa. Information on the Skilled – Regional (subclass 887) visa is available from the department's website www.immi.gov.au/skilled/general-skilled-migration/visa-options.htm

Temporary visas

Skilled – Recognised Graduate (subclass 476)

This visa is valid for 18 months and is for graduates from a 'recognised university'. You will need to check the department's website for the current list of universities

www.immi.gov.au/skilled/

The visa is not points tested. To apply, you must:

- be under 31 years of age when your application is lodged; and
- have completed a qualification at a listed university, in a field in demand in Australia.

If you are granted a Recognised Graduate visa you can apply for a permanent General Skilled Migration visa at any time during the 18 months while holding this visa.

Skill Matching Database

Skill matching is designed to improve migration outcomes by linking applicants with employers and/or with state and territory governments who might want to nominate them. The skill matching process means that information on a skilled migration applicant's qualifications and experience is made available through a web-based tool to Australian employers and to state and territory governments. An abridged version of the database can be viewed on the department's website **www.immi.gov.au/skilled/**

Once on the database you may be nominated by a state or territory government under the Skilled – Sponsored category or be nominated by an employer under the Regional Sponsored Migration Scheme (RSMS), Employer Nomination Scheme (ENS) or a Labour Agreement (LA). Further information on these categories is available from the department's website **www.immi.gov.au/skilled/**

Lodging an application

It is important that you lodge your Offshore General Skilled migration application with all the documents necessary to assess your application. Lodging a complete application assists case officers in making a fair and complete assessment of your claims and results in faster processing times. Applications that are not complete may be refused. You will find the checklist of the documents you must provide in support of your application on the department's website **www.immi.gov.au/skilled/**

Fee-free visa application

You may be eligible to make a fee-free application for an offshore Employer Nomination Scheme (ENS), Regional Sponsored Migration Scheme (RSMS) or Labour Agreement (LA) visa, as specified below, if an employer has lodged an employer nomination specifying you as the nominee and you have a valid visa application for any of the following visas:

- Skilled – Independent (subclass 175)
- Skilled – Sponsored (subclass 176).

If you are eligible, you will need to complete form 47ES *Application for employer sponsored migration* but you do not have to pay another application charge. You can lodge the ENS, RSMS or LA visa application if you are in or outside Australia, but you must be outside Australia before the visa can be granted. Further information on eligibility for fee-free applications can be found in booklet 5 Employer Sponsored Migration, or on the departmental website at

www.immi.gov.au/skilled/skilled-workers/visa-permanent.htm

Costs and charges

All costs and charges are in Australian dollars (AUD). Payment must be made in Australian dollars.

Fees may be subject to adjustment at any time. Visa Application Charges may be subject to adjustment on 1 July each year. This may increase the cost of a visa.

To check the Visa Application Charge, see form 990i *Charges* available from the department's website www.immi.gov.au/allforms/990i.htm or check with the nearest office of the department.

Method of payment

In Australia

To make a payment, please pay by credit card, debit card, bank cheque or money order made payable to the Department of Immigration and Citizenship. Debit card and credit card are the preferred methods of payment.

Outside Australia

You **must** lodge your application with the Adelaide Skilled Processing Centre, but you are able to make a payment at an Australian Government office overseas. Before making a payment outside Australia, please check with the Australian Government office where you intend to lodge your application as to what methods of payment and currencies they can accept and to whom the payment should be made payable.

Skills assessment

Before you lodge an application for General Skilled Migration, there will be a charge for the assessment of your skills for your nominated occupation imposed by the relevant assessing authority. For information about the assessing authorities see form 1121i included in the General Skilled Migration pack or on the department's website www.immi.gov.au/allforms/

Application charge or first instalment

Payment must accompany your application and is generally not refunded if the application is unsuccessful. To check the Visa Application Charge, see form 990i *Charges* available from the department's website www.immi.gov.au/allforms/990i.htm or check with the nearest office of the department.

If members of your family unit are included in your application, only one application charge is payable for the entire family unit. If a separate application is made by them at a later date, a separate charge is payable.

Second instalment Visa Application Charge (English language tuition)

Members of your family unit aged 18 years or over included in your application who have been assessed as not having functional English language skills will be required to pay a second instalment charge (see form 990i *Charges*) which entitles them to English language tuition in Australia to achieve functional English. The full amount of this charge must be paid before a visa can be granted to you. Members of your family unit who are able to demonstrate functional English ability (eg. obtain an overall band score of 4.5 on the International English Language Testing System (IELTS)) do not have to pay this charge. Applicants who pay this charge will receive information about the Adult Migrant English Program and where they can receive their tuition when the visa is granted.

English proficiency testing

To be awarded maximum points for your English skills you will need to submit the results of an IELTS test in which you scored at least 7 points for each of the 4 components – ‘proficient’ English.

OET test results can also be provided. Health professionals require an Occupational English Test (OET) as part of their skills assessment process. Check the department’s website www.immi.gov.au/skilled/ for information on the OET score that is accepted as being equivalent to ‘proficient’ English.

To be assessed as having ‘competent English’ if you are not the holder of a specified passport you will need to submit the results of an IELTS test in which you scored at least 6 points for each of the 4 components or an equivalent result in an OET test.

Both IELTS and the OET impose charges for conducting these tests. Further information on IELTS and the OET is available on their websites www.ielts.org (IELTS) or www.oet.com.au (OET).

For further information on English language requirements and specified passport holders see page 24.

Medical costs

You and members of your family may be required to undergo a medical and x-ray examination. The cost of the examination is a matter between you and the doctor undertaking the examination.

Other costs

You should also be prepared to pay other costs associated with your application, such as those required to obtain a character clearance (see page 35) from authorities in your country, and the cost of certified translations of some documents.

PART 3

Points test and self-assessment

About the points test

If you apply under the:

- **Skilled – Independent;**
- **Skilled – Sponsored;** or
- **Skilled – Regional Sponsored;**

categories, you will be assessed against a **points test**.

Points are awarded for:

- skill;
- age;
- English language ability;
- specific employment;
- Australian employment;
- Australian qualifications;
- occupation in demand (and job offer);
- designated language;
- studying and living in regional Australia;
- partner skills;
- State/Territory government nomination; and
- Designated Area sponsorship.

Pass mark and pool mark

You must gain sufficient points to reach the pass mark for the visa you have applied for. The pass mark changes from time to time. Check the department's website www.immi.gov.au/skilled/ for the current pass mark.

Permanent General Skilled Migration visa applicants who achieve a score below the pass mark (but above another mark, known as the 'pool mark') will have their applications held in reserve for up to 2 years after assessment. If the pass mark is lowered at any time in that 2 year period, and your score is equal to, or higher than, the new pass mark, your case will be processed further.

For options if you do not meet the pass mark see page 12.

Points allocation/pre-assessment requests

The department will **not** provide individual advice to applicants regarding their points score or ability to meet the pass mark.

Self-assessment

Complete the Self-assessment form as you go through the rest of this section. This will give you an indication of how successful your application might be.

If you have a **partner**, it may be worthwhile to also obtain a skills and English language assessment for your partner to see whose application may have the best chance of success. When making your assessment remember that either you or your partner must meet the pass mark individually.

If your partner's skills are to be used to obtain partner skills points under the points test (see below), a skills assessment for your partner **must** be lodged before a final decision is made on your application, otherwise they cannot be taken into account.

Self-assessment form

Complete this form as you go through the rest of this section

It will give you an indication of how successful your application might be.

Note: A self-assessment should not be seen as a guarantee of success. Your actual application will be rigorously assessed on the information and evidence you provide, using the pass mark which applies at the time of lodgement.

| | Points |
|---|----------------------|
| Skill (see page 22) | |
| Age (see page 23) | |
| English language ability (see page 24) | |
| Specific employment (see page 25) | |
| Australian employment (see page 26) | |
| Australian qualifications (see page 27) | |
| Occupation in demand (and job offer) (see page 28) | |
| Designated language (see page 29) | |
| Studying and living in regional Australia (see page 30) | |
| Partner skills (see page 31) | |
| State/Territory government nomination (see page 32) | |
| Designated Area sponsorship (see page 32) | |
| Total Skill points | <input type="text"/> |



points for Skill

The occupation you nominate must be on the Skilled Occupation List current at the time you apply (see form 1121i), and should be one which fits your skills and qualifications.

60 points – for most occupations where training is specific to the occupation.

In most cases, you must have a qualification (such as a degree or trade certificate) and experience which meets the relevant Australian standards and which is specifically related to your nominated occupation and be able to meet any registration requirements in Australia. In some cases, experience without formal qualifications may be acceptable.

50 points – for more general professional occupations.

You must have a qualification equivalent to an Australian bachelor degree or higher qualification (but it need not be specifically related to your nominated occupation).

40 points – for other general skilled occupations.

You must have a qualification equivalent to an Australian diploma or advanced diploma (but it need not be specifically related to your nominated occupation).

A 'Before you lodge your application' box (such as the one below) appears on each of the following pages in this section. They are not necessary for your self-assessment but are important steps to take before completing your application form.

Before you lodge your application

1. Before you apply, you **must** have your skills **assessed** by the relevant assessing authority as suitable for your nominated occupation. (Form 1121i tells you what you have to do.)
2. You **cannot** lodge a valid application unless you include a skills assessment issued by the Australian assessing authority for your nominated occupation.
3. You **must** also include with your application certified copies of all the documents you provided to the assessing authority.

points for **Age**

| Age at time of application | Points |
|----------------------------|-----------|
| 18–29 years | 30 |
| 30–34 years | 25 |
| 35–39 years | 20 |
| 40–44 years | 15 |

Before you lodge your application

1. Obtain your **birth certificate, passport** or **other proof of age**.
2. Proof of age should be **included with your application**.

points for English language ability

| English language ability | IELTS Standard (or equivalent) | Points |
|--|---|-----------|
| <p>Proficient English</p> <p>You have an operational command of English with the ability to use and understand complex language well and comprehend detailed reasoning.</p> | IELTS score of at least 7 on each of the 4 components of the test—speaking, reading, writing and listening, or equivalent standard in a specified test. | 25 |
| <p>Competent English</p> <p>You have a generally effective command of the English language. You are able to use and understand fairly complex language, particularly in familiar situations.</p> | IELTS score of at least 6 on each of the 4 components of the test—speaking, reading, writing and listening, or equivalent standard in a specified test or hold a specified passport. | 15 |
| <p>Concessional competent English</p> <p>You have basic competence in the English language, but your skills may not be consistent across the 4 areas of reading, writing, listening and speaking.</p> <p>You are only able to claim points for this level if you have applied for the Skilled – Regional Sponsored visa and you are sponsored by an eligible relative or a participating state or territory.</p> | An average band score of IELTS 6.0. | 15 |

Before you lodge your application

You need to ensure you are able to provide evidence of your English language ability. IELTS has an academic test and a general training test – unless you are required to do otherwise by your assessing authority you only need to take the **general training test**.

If you wish to provide your IELTS test result as evidence of your English language ability, you only need to provide the Test Report Form (TRF) Number that is on your IELTS certificate.

What you will need to submit as evidence of your English language ability depends on the number of points you would like to be awarded for this skill.

A specified passport is a passport issued by:

- United Kingdom (UK);
- Republic of Ireland;
- United States of America (USA);
- New Zealand; or
- Canada.

Test results must be no more than **2 years** old at the time you apply.

points for **Specific employment**

This is different to **recent work experience** (see page 8) which is a basic requirement for the General Skilled Migration categories.

| | Points |
|--|-----------|
| If your nominated occupation is worth 60 points and you have worked in your nominated occupation or a closely related occupation <i>at a skilled level</i> for at least 3 of the 4 years immediately before you apply. | 10 |
| If your nominated occupation is worth 40, 50 or 60 points , and you have worked in skilled employment (any occupations listed on the Skilled Occupation List, see form 1121i) for at least 3 of the 4 years immediately before you apply. | 5 |

Note: If you are using employment undertaken in Australia to meet this requirement, that work must have been undertaken while you were the holder of a visa authorising you to work.

Before you lodge your application

- Obtain evidence such as **employment references** and detailed duty statements covering the required period. (These documents may also be required in order to satisfy the recent work experience basic requirement). Employment references must:
 - be written on the official letterhead of the company or government department providing the reference;
 - The letterhead should indicate clearly the full address of the company and any telephone, fax numbers, e-mail and website addresses;
 - The name and position of the person authorised to sign the employment reference should be typed or stamped below that person's signature;
 - The contact telephone number of the person writing the reference should be included in the letter;
 - The letter should indicate the exact period of employment (including whether permanent or temporary, full or part-time), position(s) held, the 5 main duties undertaken and the salary earned – positions should not be described by generic titles (eg. research officer, public servant) but according to the nature of the duties undertaken (eg. research chemist, accounts clerk); and
 - A payslip from your current employment should also be included – this is especially important from applicants working in government departments.
- For you to receive these points, documentary evidence should be **included with your application**.

points for **Australian employment**

Points can be awarded if you have a total of 12 months skilled work experience gained in Australia within the 48 months immediately before lodging your application. The visa you held over this period must have been one that allowed you to work.

| | Points |
|---|-----------|
| You have been employed in Australia in your nominated occupation or a closely related skilled occupation for a total of 12 months in the 48 months immediately before lodging your application. | 10 |
| You have completed a professional year in Australia in your skilled occupation or a closely related skilled occupation for a total of 12 months in the 48 months immediately before lodging your application. | 10 |

Before you lodge your application

Points for completing a professional year will only be awarded for courses specified by the Minister. Please see the department's website for the current list of professional courses.

points for Australian qualifications

Applicants with Australian qualifications have a greater chance of employment in Australia.

You may receive points for **one** of the following Australian qualifications that was completed whilst present in Australia and where all the instruction was in English:

| | Points |
|--|-----------|
| <p>You have completed an Australian doctorate at an Australian educational institution after a period of at least 2 years full-time (2 academic years) while in Australia</p> <p>OR</p> | 25 |
| <p>You have completed an Australian Masters or Honours degree (at least upper second class level) after a period of at least 1 year full time study at an Australian educational institution while physically present in Australia, and</p> <p>you were also awarded an Australian bachelor degree as a result of at least 1 year full-time study while physically present in Australia, and</p> <p>the total period of full-time study in Australia was at least 3 academic years.</p> <p>OR</p> <p>You have completed an Australian Bachelor degree at an Australian educational institution while physically present in Australia, and</p> <p>based on your course results, your award states that you were awarded honours at least upper second class level, and</p> <p>the total period of full-time study in Australia was at least 3 academic years.</p> <p>OR</p> | 15 |
| <p>You have completed an Australian degree, diploma or trade qualification while in Australia, and</p> <p>you have studied full-time in Australia for a total of at least 2 years (2 academic years) towards the award of a degree, diploma or trade qualification.</p> | 5 |

Before you lodge your application

1. For you to receive these points, a **certified copy of your qualifications** and/or a certified copy of notification of your results and a transcript of your academic record (degree, diploma, certificate, etc.) should be **included with your application**.
2. You do **not** need to meet the recent work experience requirement if you have completed your Australian qualification **less than 6 months** before lodging your migration application (see page 7, **Basic requirements**).

If you intend taking advantage of this concession you should note that the 6 month period begins from **the date of completion** of the qualification, and **not** from the date the qualification was conferred.

points for Occupation in demand (and job offer)

The Migration Occupations in Demand List (MODL) is a list of occupations identified as being in demand in Australia. If your nominated occupation is on the MODL when you lodge your application or when your application is assessed you will be awarded points (see table below).

The MODL is updated regularly with occupations added to or removed from this list. Check the department's website www.immi.gov.au/skilled/ for occupations currently on the MODL.

| | Points |
|---|--------|
| <p>If you:</p> <ul style="list-style-type: none">• nominate a skilled occupation that appears on the MODL when you apply or when your application is decided;• have 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 lodging your application; and• have an offer of full-time employment in that occupation or a closely related skilled occupation from a business that has employed at least 10 people full-time in the 24 months immediately before lodging your application. | 20 |
| <p>If you:</p> <ul style="list-style-type: none">• nominate a skilled occupation that appears on the MODL when you apply or when your application is decided;• have 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 lodging your application. | 15 |

Before you lodge your application

To receive extra points for a job offer, **documentary evidence** of the job offer should be **included with your application**. The organisation making the job offer must also indicate the number of people it has employed on a full-time basis for the previous 2 years. Please note that the department will check to ensure this information is correct.

points for Designated language

The language must be on the list of designated languages below. You must have professional level language skills (written or oral) as evidenced by a qualification (of equivalent standard to an Australian degree) gained from a university where instruction was in one of the listed languages or by accreditation with the National Accreditation Authority for Translators and Interpreters (NAATI) at the professional level (Translator/Interpreter Level).

NAATI can provide tests in a wide range of languages both within Australia and at many overseas locations. For further information please refer to the NAATI website www.naati.com.au

| | Points |
|--|----------|
| <p>You are:</p> <ul style="list-style-type: none"> the holder of a qualification of equivalent standard to a degree awarded by an Australian tertiary institution where the tuition was conducted in a designated language; or accredited as a professional interpreter or translator (level 3) in a designated language by NAATI. | 5 |

Designated languages

| | | |
|--------------------|-------------|------------|
| Afrikaans* | German | Portuguese |
| Albanian | Greek | Punjabi |
| Arabic/Lebanese | Hebrew* | Romanian |
| Armenian* | Hindi | Russian |
| Bangla (Bengali) | Hungarian | Serbian |
| Bosnian | Indonesian | Sinhalese |
| Bulgarian | Italian | Slovak |
| Burmese | Japanese | Slovene* |
| Chinese-Cantonese | Khmer | Spanish |
| Chinese-Mandarin | Korean | Swedish* |
| Croatian | Lao | Tamil |
| Czech | Latvian* | Thai |
| Danish* | Lithuanian* | Turkish |
| Dutch | Macedonian | Ukrainian |
| Estonian* | Malay | Urdu |
| Fijian | Maltese | Vietnamese |
| Filipino (Tagalog) | Norwegian* | Yiddish* |
| Finnish | Persian | |
| French | Polish | |

* Testing by NAATI unavailable. Bonus points will need to be based on tertiary qualifications as specified above.

Before you lodge your application

To receive these points, you must include **with your application** a copy of your degree, academic transcript, and a letter from the university stating the language in which your course was conducted, or evidence of your NAATI accreditation.

points for **Studying and living in Regional Australia**

If you are claiming points for an Australian qualification you can also claim points if you lived and studied in a regional or low population growth metropolitan area of Australia for at least 2 academic years.

| | Points |
|---|----------|
| <p>You need to:</p> <ul style="list-style-type: none"> • meet the Australian study requirement (this does not include any study undertaken as distance education); and • throughout that period have lived in a part of Australia and undertaken your study at a campus or campuses where the postcode is listed as being in a regional or low population metropolitan growth area. | 5 |

Regional Australia/low population growth metropolitan areas

For the list of postcodes located in regional Australia/low population growth metropolitan areas see page 15 or visit the department's website www.immi.gov.au/skilled/migration/

Before you lodge your application

Obtain evidence that you have lived and studied in regional Australia/low population growth metropolitan areas:

- you will need evidence of residency which spans the 2 year period – this will usually include documents such as rental agreements and gas, power and telephone bills; and
- you may need to provide supplementary evidence of studying at a campus in regional Australia or a low population growth metropolitan area if your academic transcript does not identify the campus.

points for Partner skills

| | Points |
|---|--------|
| <p>If your partner is included in your application you may be awarded points if he or she is:</p> <ul style="list-style-type: none">• able to satisfy 'basic requirements' including age, English language ability, qualifications, nominated occupation, recent skilled work experience or the two year full-time study requirement; and• obtained a positive skills assessment from the relevant assessing authority for their nominated occupation. <p>Points are only available if your partner is included in your application as an applicant. Points are not available if your partner is an Australian citizen, permanent resident or Eligible New Zealand citizen.</p> | 5 |

Before you lodge your application

1. Obtain evidence that your partner satisfies the basic requirements:
 - a suitable skills assessment from the relevant assessing authority for your partner's nominated occupation (see 'Self-assessment' on page 21);
 - evidence of age (see 'points for Age' on page 23);
 - evidence of English language ability (see page 24); and
 - evidence of recent work experience (see page 8) or recent Australian qualifications (see page 27).
2. Your partner should provide a positive skills assessment from the relevant assessing authority **at the time of application**.

points for **State/Territory government nomination**

| | Points |
|---|-----------|
| You will be awarded points if you have applied for a: <ul style="list-style-type: none">• Skilled – Sponsored visa (subclass 176 or 886); or• Skilled – Regional Sponsored visa (subclass 475 or 487), and have been nominated by a state or territory government. | 10 |

points for **Designated Area sponsorship**

| | Points |
|---|-----------|
| You will be awarded points if you have applied for a Skilled – Regional Sponsored visa (subclass 475 or 487) and have been sponsored by an eligible relative living in a Designated Area. | 25 |

PART 4

Health and character

Health

Strict health standards

You and all dependent family members must meet strict health standards designed to protect Australia from high health risks and costs, and overuse of scarce health resources such as organs for transplant.

Form 1071i *Health requirement for permanent entry to Australia* will provide you with additional information on Australia's permanent visa health requirements. Form 1163i *Health requirement for temporary entry to Australia* has information on Australia's temporary visa health requirements.

Health examination

You will be asked to undertake an examination by a doctor, selected by Australian authorities. Usually, a chest x-ray, medical examination, some laboratory or specialist tests and referral to Medical Officers of the Commonwealth for final decision will be required. This can be a lengthy process and the costs will be your responsibility. **All** members of your immediate **family** must meet the standards for your application to be successful. Dependants who are not planning to migrate must also be examined.

Forms for your medical examination, together with directions to listed doctors, will be provided by staff processing your migration application. If you are pregnant, you are advised not to be x-rayed until after the birth of your baby, meaning that your application may not be finished until then. Alternatively, although not preferred by the Australian Government, you may care to discuss with your radiologist the use of a lead shielded x-ray.

Health conditions of concern

In view of the World Health Organisation's declaration of a global epidemic of tuberculosis, particular care is taken to screen for this disease including stringent treatment recommendations where signs of earlier infection, however small or old, are apparent.

Australia has one of the lowest rates of tuberculosis in the world and maintains one of the strictest regimes for screening and treatment. Detection of the disease will not lead to automatic rejection, but your application may only continue after recommended treatment and successful retesting.

Other health conditions of concern are those where a person is assessed by Australian authorities as requiring treatment, support or assistance which are considered to be in short supply, or which cost a significant amount. This may differ from treatment in your country.

The department is authorised to collect information under the *Migration Act 1958*. The information, including the results of any tests for Human Immunodeficiency Virus (HIV), will be used to assess you and your family's health for an Australian visa. A positive HIV or other test result will not necessarily lead to a visa being denied. Your result(s) may be disclosed to the relevant Commonwealth, state and territory health agencies.

Doctors

Doctors may charge you in accordance with their usual practice. They may recommend that you undertake other treatment or specialist consultations. This may be in your own interest because listed doctors know what is required for the assessment of your examination results in Australia. Listed doctors complete the examination form in English.

Basis for decision

A decision is made on, first, any detection of tuberculosis, however old or small, and then, of medical conditions which are likely to result in significant health treatment and community service costs in Australia, or which may use treatment or services in short supply. Some allowance is made for normal health and welfare costs (calculated as a multiple of average annual costs for an Australian). When the Medical Officer of the Commonwealth is of the opinion that an applicant's costs are beyond these and are therefore significant, this generally leads to refusal. The cost assessment takes no regard of whether a person has or intends to take private health insurance or make other financial or nursing arrangements to lessen the claim on public funds.

Further information on obtaining a medical examination, including a full list of Immigration Panel Doctors for overseas applicants, is available from the department's website www.immi.gov.au/allforms/

Character

To enter Australia, applicants must be of good character.

In order for the Australian Government to determine whether you are of good character, you may be asked to provide police certificates for each country you have resided in for 12 months or more over the last 10 years, including Australia. More information on penal clearances is available from the department's website www.immi.gov.au/allforms/

Note: Some penal checks from some countries may take up to 12 months to obtain. The department is unable to accelerate this process.

In some instances, applicants may also be required to provide personal details to enable additional character checks to be undertaken. Please complete and include with your application, a form 80 *Personal particulars for character assessment* for each applicant aged 16 years or over included in your application. Form 80 is available from the department's website www.immi.gov.au/allforms/

Applicants for **Offshore Skilled** categories who have lived in Australia for 12 months in the last 10 years are not required to lodge Australian Federal Police (AFP) clearances with their application, **however**, they are encouraged to do so. Applicants who lodge complete applications receive faster processing.

PART 5

General information

Dependants

Your application may cover a family unit; a primary applicant and, if applicable a partner and dependants.

Partner

Your spouse or de facto partner (including same-sex de facto partners).

Dependent children

A dependent child may be your, or your partner's child or step child. 'Step-child' means a child of your current partner or your former partner when the child is under 18 years and you have a legal responsibility to care for that child (for example, where your former partner is deceased and you have legal custody of your former partner's child). You will need to provide a certified copy of the overseas or Australian court order which you have in relation to the child.

A child of any age is not considered dependent if he or she is married or in a de facto relationship or is engaged to be married.

A child aged 18 years or over will not be considered dependent unless you can show that they are wholly or substantially reliant on you for financial support for their basic needs of food, shelter and clothing. You must also show that you have provided that support for a substantial period and that the child is more reliant on you than on any other person or source. Unless you can provide evidence of this, they should apply separately. You should also be aware that a child aged 25 years or over will generally not be considered dependent.

Children of any age who have a total or partial loss of bodily or mental functions which stops them earning a living are regarded as dependent and part of the family unit (whether or not they migrate with you). Give details of such children and whether they are in your care or in an institution.

In all cases you should attach evidence of your child's dependency on you.

Other dependants

You may include other relatives in your application if they are wholly or substantially reliant on you for financial support for their basic needs of food, shelter and clothing and they have been reliant on you for that support for a substantial period. They must also be more reliant on you for support than on any other person or source.

A relative may also be considered dependent on you if they are reliant on you for financial support because they have a mental or physical disability which stops them from earning a living to support themselves.

Other relatives dependent on you or your partner may include, for example, an aged, unmarried relative.

If you have dependants who are aged 18 years or over, please obtain a form 47A *Details of child or other dependent family member aged 18 years or over*. A form 47A must be completed for each dependant aged 18 years or over, whether migrating or not. The dependant may need to provide supporting documents. Form 47A is available from the department's website www.immi.gov.au/allforms/

Custody requirement

The department will seek to ensure that allowing a child to migrate is not in contravention of Australia's international obligations in relation to the prevention of child abduction. If your application includes a child under 18 and the child's other parent is not migrating with you or there is any other person who has the legal right to determine where the child can live, you will need to provide a Statutory Declaration from each of them giving permission for the child to migrate. Alternatively, you can provide a certified copy of a valid court order showing that you/your partner has the legal right to remove the child from the country.

PART 6

Processing visa applications

Part 6 explains how to make visa applications and how they are processed.

Once you have lodged an application for a General Skilled Migration visa, enquiries about the progress of your application should be directed to the Adelaide Skilled Processing Centre — see contact information under *Where to apply* on the following page.

It is important that you read this information

Please read this information – it may affect whether you are granted a visa or whether a visa you are granted may subsequently be cancelled.

You should read all information and instructions about the category of visa you want to apply for and make sure you provide the right information and documents when applying. This will avoid delays in processing your application. If you do not think you qualify for a visa, you may wish to reconsider whether to apply because visa charges paid are not usually refunded if you are unsuccessful.

While you may be asked to complete a number of steps during the processing of your application, it does not mean your application will be successful. Do not anticipate a successful outcome and sell your house or other property until you have been advised **in writing** that you have been granted a visa.

You must have a visa to travel to and stay in Australia

The Australian Government decides who should be granted a visa. Your application will be decided on the basis of the information you give and generally, the law at the time you apply.

Note: The government may change the criteria for awarding points, the pass mark, or the pool mark at any time and this may affect your application. Check the department's website www.immi.gov.au/skilled/ for the latest information.

Where to get information

General information about visas, charges and forms is available from the department's website www.immi.gov.au, or if you are in Australia please telephone **131 881**.

How to apply for a visa

The department offers an online visa application service for all General Skilled Migration visa applicants. This is the preferred method for lodging your application. Detailed step by step advice on how to complete and then lodge your application is available from the department's website www.immi.gov.au/e_visa/

If you wish to lodge a valid paper based application you must:

- indicate the class of visa that you want;
- use the correct form;
- provide your residential address;
- pay the required Visa Application Charge (where applicable);
- satisfy any other requirements; and
- mail or courier your application, and payment in Australian dollars (AUD), to the ASPC.

Note: If you are required to pay any other charges, you will be requested in writing by the ASPC. An application sent to the wrong address will be returned to the applicant or the migration agency.

You must also:

- complete the application in English;
- answer all questions truthfully—if you provide incorrect information or documents, a visa may not be granted; and
- provide certified copies of any required documents unless the ASPC advises otherwise.

Note: If you are in Australia, you should also refer to, 'Limitations on applications' on page 41 to ensure that you are not prevented from lodging a further visa application while in Australia.

Where to apply

ALL paper based applications for General Skilled Migration from both outside of Australia and in Australia must be sent to the following address only:

By mail:

Adelaide Skilled Processing Centre
Department of Immigration and Citizenship
GPO Box 1638
ADELAIDE SA 5001
AUSTRALIA

By courier:

Adelaide Skilled Processing Centre
Department of Immigration and Citizenship
4th Floor, 55 Currie Street
ADELAIDE SA 5000
AUSTRALIA

Enquiries

Telephone: 1300 364 613 (if calling from outside Australia dial the international code +61)

Fax: 61 8 8237 6629

Online enquiry form: www.immi.gov.au/contacts/

Complete applications

It is important that you lodge your migration application with all the documents necessary to assess your application. Lodging a complete application assists case officers in making a fair and complete assessment of your claims and results in faster processing times. Applications that are not complete may be refused.

Original documents

Do not supply original documents with your application, unless you have been asked to do so.

Certified copies

Do not supply original documents with your application. The department may request original documents if necessary.

You **must** provide 'certified copies' of original documents. **Photocopies of certified copies are not acceptable.** 'Certified copies' means copies authorised, or stamped as being true copies of originals, by a person or agency recognised by the law of the person's home country. In Australia, this means a copy which is authorised as a true copy by a person before whom a Statutory Declaration may be made. Such authorised persons include the following: magistrate, Justice of the Peace, Commissioner for Declarations, Commissioner for Affidavits, solicitor, registered medical practitioner, bank manager, postal manager, an Australian Public Service Officer with 5 years or more service.

The department also accepts documents certified by a registered migration agent.

English translations

Documents in languages other than English should be accompanied by an English translation. If the applicant is onshore, the translation should be undertaken by a translator accredited by the National Accreditation Authority for Translators and Interpreters (NAATI). Failure to do so may significantly affect the processing of your application. Translations provided by non-accredited translators overseas should be endorsed by the translator with their full name, address, telephone number, and details of their qualifications and experience in the language being translated.

Note: You must include both a certified copy of the original language document and a certified copy of the translated document with your application.

Passport details

During the processing of your application you and all family members included in the application will need to satisfy identity requirements. The standard method for this is by using a current passport. The passport should be the passport you will use to travel to Australia if a visa is granted and should be valid for an adequate period (it is recommended this be at least 2 years). You should use this passport to evidence identity in connection with any aspect of this application. In particular, you will need to present your passport and those for all family members included in your application to the doctor when you have your medical examination.

You will need to provide the department with a copy of the personal particulars page of the passport(s) and of any stamps or authorisations that amend these details (such as passport validity extensions). If you or any family member, do not currently hold a passport, or need to extend or renew a passport, please do so now and provide copies of the relevant pages.

Family members

For most General Skilled Migration visas, family members (partners, dependent children or dependent relatives) who apply at the same time can apply on the same form and pay one charge. A child who is born after an application is made (but before it is decided) will be included in the parent's application. This will be done automatically once the department is notified **in writing** of the details of the newborn child together with a certified copy of the child's full birth certificate. In some circumstances, a partner or dependent child can be added to an application. Members of your family unit included in your application must also meet certain visa requirements.

Limitations on applications

If you are in Australia, you may be prevented from making further applications if, for example:

- you do not hold a substantive visa (which is any visa other than a bridging visa, a criminal justice visa or an enforcement visa) and have had a visa cancelled or refused since you last arrived in Australia;
- your last visa was granted on the condition that you would not be granted a substantive visa while you remain in Australia;
- you hold a sponsored visitor visa;
- you are in immigration detention in Australia; or
- you have previously applied for a protection visa.

In these cases the department can provide you with information about which visas, if any, you can apply for.

More than one application

If you apply for more than one visa, the visa granted last will generally be the visa in effect, and the visa granted first will no longer be valid. You can get advice about your situation from any office of the department in Australia or overseas. If you are in Australia you can call **131 881**.

Communicating with the department

Communication with the department about your application should generally be **in writing**. Send the communication to the ASPC.

You must correctly identify yourself.

If you communicate with the ASPC about your application, you must:

- include your full name (as in your application);
- include your date of birth;
- include the client ID if it has been given to you or, if you do not have a client ID, the file number, or the application receipt number; and
- if your application is later transferred to an office outside Australia, you must communicate with that office.

Withdrawal of applications

You can withdraw your application by advising the ASPC **in writing** at any time before a decision is made. Charges that you paid at the time of application are not usually refunded.

Let the department know if you change your address

If you change your residential address for more than 14 days while your application is being processed, you must advise the ASPC of your new address and how long you will be there. The ASPC will send communication about your application to the latest address you have provided and it will be taken that you have received it:

- 7 working days after the date of the letter (if sent in Australia); or
- 21 days after the date of the letter (if sent outside Australia).

Communication about your application can be sent to another person that you have authorised, but it will be taken that you have received the communication that the department sends to that person. You **must** inform the department **in writing** of any change of address for either you or your authorised person.

If you have provided a fax number or e-mail address the department may use these to communicate with you. If you change your fax number or e-mail address you **must** inform the department.

In addition to the above requirement if you are participating in the skill matching scheme, and any of your contact details change you must advise the ASPC so your entry on the Skill Matching Database can be updated.

Extra information about your application

Additional information can be provided (**in writing**) at any time until a decision is made on your application. All relevant information is taken into account.

If you are invited to give additional information or comment on information, you will be given a date by which to do so. After that date the department can continue processing your application whether you provide the information or not. You cannot delay a decision by saying that you might give more information later.

Interviews

If you are invited to attend an interview, you must attend on the date and time agreed with the department. If you do not, the department can process your application and make a decision on the basis of the information it already has.

Invitation to comment

If another person gives the department information that could result in you being refused a visa, the department may give you an opportunity to comment on the information. You will need to comment by a set date.

Advise the department if your circumstances change

If any of your circumstances change, such that any answer in your application or information given to the department is no longer correct, you must inform the department **in writing** as soon as practicable.

You must continue to do this until a decision is made on your application (or, in the case of a visa granted outside Australia, until you travel to Australia and are cleared by immigration). Your visa may be cancelled if you give incorrect information or fail to advise the department that some information is no longer correct. However, if you advise the department of the correct information before your visa is granted (or, in the case of a visa granted outside Australia, before you are immigration cleared), your visa cannot later be cancelled on the basis of that incorrect information.

Options for receiving written communications

You may authorise another person to receive all communications, both written and electronic, about your application with the department. You will be taken to have received any documents sent to that person as if they had been sent to you.

To do this you will need to complete the section of the application form with the heading *Options for receiving written communications* and form 956 *Appointment of a migration agent or exempt agent or other authorised recipient*. For an explanation of what a migration agent or exempt agent or authorised recipient can do please read the sections below.

To change or end the appointment of your migration agent or exempt agent or authorised recipient you must promptly advise the department in writing. You can do this by using form 956 *Appointment of a migration agent or exempt agent or other authorised recipient*.

It is important to note that if you choose to authorise another person to receive all communications in relation to your application (ie. a family member, migration agent), you will not be able to communicate directly with the department about your application, nor will the department be able to directly communicate with you.

Authorised recipient information

An authorised recipient is someone you appoint to receive written communications about your application with the department.

All written communication about your application will be sent to your authorised recipient, unless you indicate that you wish to have health and/or character information sent directly to you.

The department will communicate with the most recently appointed authorised recipient as you may only appoint one authorised recipient at any time for a particular application.

Migration agent information

A migration agent is someone who can:

- advise you on the visa that may best suit you;
- tell you the documents you need to submit with your application;
- help you fill in the application and submit it; and
- communicate with the department on your behalf.

If you appoint a migration agent, the department will assume that your migration agent will be your authorised recipient, unless you indicate otherwise.

Your migration agent will be the person with whom the department will discuss your application and from whom it will seek further information when required.

You are not required to use a migration agent. However, if you use a migration agent, the department encourages you to use a registered migration agent. Registered agents are bound by the Migration Agents Code of Conduct, which requires them to act professionally in their clients' lawful best interests.

Immigration assistance

A person gives immigration assistance to you if he or she uses, or claims to use, his or her knowledge or experience in migration procedure to assist you with your visa application, request for ministerial intervention, cancellation review application, sponsorship or nomination.

In Australia a person may only lawfully give immigration assistance if he or she is a registered migration agent or is exempt from being registered. Only registered migration agents may receive a fee or reward for providing immigration assistance.

If an unregistered person in Australia, who is not exempt from registration, gives you immigration assistance they are committing a criminal offence and may be prosecuted.

Migration agents in Australia

Migration agents in Australia must be registered with the Migration Agents Registration Authority (MARA) unless they are exempt from registration.

Migration agents outside Australia

Migration agents who operate outside Australia do not have to be registered. The department may give some overseas agents an ID number. This number does not mean that they are registered.

Note: Some Australian registered migration agents operate overseas.

Exempt agents

The following people do not have to be a registered migration agent in order to provide immigration assistance, but they must not charge a fee for their service:

- a close family member (spouse, de facto partner, child, parent, brother or sister);
- a sponsor or nominator for this visa application;
- a member of parliament or their staff;
- an official whose duties include providing immigration assistance (eg. a Legal Aid provider); and
- a member of a diplomatic mission, consular post or international organisation.

Further information on migration agents

Information on migration agents, including a list of registered migration agents, is available on the Migration Agents Registration Authority (MARA) website www.themara.com.au

You can also access information about migration agents on the department's website www.immi.gov.au

Consent to communicate electronically

The department may use a range of means to communicate with you. However, electronic means such as fax or e-mail will only be used if you indicate your agreement to receiving communication in this way.

Electronic communications, unless adequately encrypted, are not secure and may be viewed by others or interfered with. If you agree to the department communicating with you by electronic means, the details you provide will only be used for the purpose for which you have provided them. They will not be added to any mailing list and will not be disclosed without your consent.

Processing applications

Processing of your application may be delayed if your application is 'pooled' (this only applies to points tested classes of visas) or if processing of the class of visa for which you have applied is suspended.

Visa decisions

You will be notified by the department when a decision has been made on your application.

If you are refused a visa, you will be notified why you were refused and, if applicable, where you can apply for merits review of the decision. You will be notified of your time to seek review or your time to depart Australia.

When the department advises you, or a person you have authorised to act and receive communication on your behalf, of the decision on your visa application, you will be taken to have received the letter:

- 7 working days after the date of the letter (if sent in Australia); or
- 21 days after the date of the letter (if sent outside Australia).

If the letter is handed to you, you will be taken to have been notified at that moment.

If the letter is faxed or e-mailed to you, you will be taken to have been notified at the end of that day.

You must abide by all conditions on your visa

If you are in Australia while your visa application is being processed you must continue to comply with the conditions on your current visa.

If your visa is granted subject to conditions (for example, restrictions on work or study) you must abide by those conditions or your visa may be cancelled. If you wish to change those conditions or stay longer than your visa allows, contact the department for information about how to do this.

Application and grant of offshore visas

You should inform the department if you travel (either to Australia or from Australia) during processing of your application. This is because your application may be refused if you are in the 'wrong place' when a decision is made.

If you are applying for an Offshore General Skilled visa, you must be **outside of Australia when the visa is granted** except if you are a New Zealand citizen and you hold a Special Category (subclass 444) visa, in which case you and all secondary applicants included in your application, may be **in or outside Australia** at the time a decision is made on your application.

Australian Government websites

assisting business entry and skilled migration

Australian Government

Department of Immigration and Citizenship

www.immi.gov.au/

Including information on:

- business entry and skilled migration
- contacts for Australian missions overseas
- business trips to Australia

With links to:

- Australian missions overseas
- Australian Government websites
- Useful business websites

Business Entry Point

www.business.gov.au

Australian Taxation Office

www.ato.gov.au

State/Territory Governments

Australian Capital Territory

Business Migration Section

Business and Tourism

Chief Minister's Department

www.business.act.gov.au

New South Wales

Department of State and Regional Development

www.business.nsw.gov.au

Northern Territory

Department of Business, Industry and Resource Development

www.migration.nt.gov.au

Queensland

Department of Tourism, Regional Development and Industry

www.migration.qld.gov.au

South Australia

Immigration South Australia

The Department of the Premier and Cabinet

www.immigration.sa.gov.au

Tasmania

Tasmanian Government

www.development.tas.gov.au

Victoria

State Government of Victoria

www.liveinvictoria.vic.gov.au

Western Australia

Small Business Development Corporation

www.sbdc.com.au

General Skilled Migration

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