



## Onshore international students

### Q 1 Is my application for a Skilled—Graduate (subclass 485) visa affected by the changes to the Skilled Occupation List (SOL) announced by the government?

No. If you lodge your application for a subclass 485 visa before the new SOL commences in mid-2010 your application will not be affected. Your application will be processed under the arrangements and legislation in place at the time you applied.

Yes. If you apply for a subclass 485 visa after the new SOL commences in mid-2010 and you were not holding a student visa subclass 572, 573 or 574 on 8 February 2010, your application will be subject to the new SOL.

### Q 2 I applied for a subclass 485 visa before 8 February 2010. When it is granted, can I apply for a permanent General Skilled Migration visa?

Yes you can apply for a permanent General Skilled Migration (GSM) visa and nominate an occupation which is on the SOL at 8 February 2010. You will not be subject to the new SOL provided you apply for a permanent GSM visa prior to 31 December 2012.

### Q 3 I applied for subclass 485 visa on or after 8 February 2010. When it is granted, can I apply for a permanent General Skilled Migration Visa.

Yes. If, however, you apply for a permanent GSM visa after mid-2010 you will need to nominate an occupation that is included on the new Skills Occupation List (SOL). If your nominated occupation is not on the SOL then you may wish to seek sponsorship from an employer and apply under the Employer Nomination Scheme (ENS) or Regional Sponsored Migration Scheme (RSMS) visa categories.

### Q 4 When will I know if my occupation is on the new SOL?

The new SOL will be announced by 30 April 2010 and will take effect in mid-2010.

### Q 5 Do I have to leave Australia when my subclass 485 visa expires?

Yes, unless you hold another visa to remain in Australia. Information about all visas is available on the department's website at [www.immi.gov.au](http://www.immi.gov.au). You may wish to use the Visa Wizard to determine which visa meets your specific circumstances enabling you to extend your stay in Australia. The Visa Wizard is available at [www.immi.gov.au/visawizard/](http://www.immi.gov.au/visawizard/)

### Q 6 Can I get a new skill assessment in a different occupation from the occupation I nominated in my subclass 485 visa so I can lodge my permanent GSM application?

Yes. You can nominate a different occupation in your permanent GSM application from your subclass 485 visa. You must also ensure that you meet all other requirements for the visa class for which you made an application. It is important to note that your qualifications obtained in Australia must be closely related to your new nominated occupation and you obtain a skills assessment in your new nominated occupation.

### Q 7 When applying for a permanent GSM visa, can I change the nominated occupation stated on my current subclass 485 visa as this occupation is not on the new SOL?

Yes, however, your qualifications obtained in Australia must be closely related to your new nominated occupation.

### **Q 8 I've just started studying in Australia, will I still be able to apply for a GSM visa when I finish my studies?**

You will be able to lodge a Skilled—Graduate (subclass 485) visa application when you complete your studies if your nominated occupation is on the SOL that existed before mid-2010, provided you satisfy other visa criteria and you hold a:

- Vocational Education and Training Sector (subclass 572) visa
- Higher Education Sector (subclass 573) visa, or
- Postgraduate Research Sector (subclass 574) visa, and
- apply before 31 December 2012.

If you wish to apply for a permanent or provisional GSM visa after you complete your studies you must meet the criteria applicable at the time you apply. Requirements for particular visa classes change from time to time and it is important that you ensure you meet all criteria before you lodge your application.

### **Q 9 After completing my studies in Australia, can I go offshore and get work experience and then apply for an offshore GSM visa?**

Yes, if your nominated occupation is on the new SOL you can apply for an offshore GSM visa; however, you will need to satisfy all other criteria to be granted a GSM visa. All applicants are encouraged to carefully consider whether or not they meet the criteria for a visa prior to making an application. More information on visa criteria is available at [www.immi.gov.au](http://www.immi.gov.au).

### **Q 10 Can I change my course of study as the occupation I intended to nominate is not on the new SOL?**

Students are encouraged to undertake study in a field they intend to work in once they graduate. It is strongly advised that you do not undertake studies with the sole purpose of obtaining a migration outcome. The student visa process is an entirely separate process to skilled migration and there is no guarantee that a student will be eligible for skilled migration purely on the basis of having undertaken a course related to an occupation on the SOL. The SOL can, and does, change in light of labour market needs in Australia. There is no guarantee, therefore, that if a student switches courses now, their new nominated occupation will remain on the SOL at the time they complete their studies.

The Australian Government wants a targeted, high-value, demand-driven, skilled migration program that is responsive to the needs of the Australian labour market. As these needs change rapidly, the skilled migration program will be adjusted accordingly.

Students who wish to change their course of study before they have completed six months of study of their principal course may need to obtain a letter of release from their education provider. Students are therefore advised to discuss any plans to transfer courses with their education provider in the first instance.

### **Q 11 I was planning to study in Australia, what do these changes mean for me?**

The changes to the GSM program announced by the Australian Government do not affect the requirements a student must meet to study in Australia.

On completion of your study in Australia you may wish to apply for a visa to enable you to remain in Australia and work. This is an entirely separate process from your student visa arrangements. If you wish to remain in Australia after you complete your studies you will need to be granted another visa. Please be aware that you must satisfy the criteria for this latter visa that exists when you make your application.

More information on obtaining a student visa to study in Australia is available at: <http://www.immi.gov.au/students/>

### **Q 12 I applied for an onshore GSM visa prior to 1 September 2007. Will my application be subject to the capping and ceasing arrangements announced by the minister on 8 February 2010?**

No. If you lodged an application for a GSM visa prior to 1 September 2007 your current application will not be affected. Your application will be processed under the arrangements and legislation in place at the time you applied, however, it will still be subject to the current priority processing arrangements.

Q 13 I got married after I lodged my onshore permanent GSM application. My spouse is overseas. How can they join me?

If your spouse wishes to visit you they may apply for a visa to come to Australia. Information about all visas is available on the department's website at [www.immi.gov.au](http://www.immi.gov.au). Your spouse may wish to use the Visa Wizard to determine which visa meets their specific circumstances enabling them to visit you in Australia. The Visa Wizard is available at [www.immi.gov.au/visa\\_wizard/](http://www.immi.gov.au/visa_wizard/)

## Useful documents

More information on the changes announced by the minister on 8 February 2010 is available on the following information sheets:

- [Revoking the Critical Skills List](#)
- [Changes to the General Skilled Migration Program](#)
- [Changes to the current Skilled Occupation List](#)
- [Changes to offshore General Skilled Migration visa applications received before 1 September 2007](#)
- [Outcomes of the Migration Occupation in Demand List review—frequently asked questions](#)
- [General Skilled Migration Points Test Review](#)