



## Updated Priority Processing Arrangements for Skilled Migration Visas - Effective from 14 July 2010

The Minister for Immigration and Citizenship, Senator Chris Evans, has set new priority processing arrangements for certain skilled migration visas. These arrangements take account of the changes to the Skilled Occupation List (SOL) that came into effect on 1 July 2010, as well as the revocation of the Migration Occupation in Demand List (MODL) and the Critical Skills List (CSL). These priority processing arrangements apply to applications already lodged with the Department of Immigration and Citizenship, as well as to future applications.

The new priority processing arrangements apply to the following visas:

- Employer Nomination Scheme (ENS)
- Regional Sponsored Migration Scheme (RSMS)
- General Skilled Migration (GSM) visas listed on page two of this fact sheet.

From 14 July 2010, processing priorities (with highest priority listed first) are:

1. Applications from people who are employer sponsored under the ENS and the RSMS.
2. Applications from people who are nominated by a state or territory government agency with a nominated occupation that is specified on that state or territory's state migration plan.
3. Applications from people who have nominated an occupation on the new Skilled Occupation List (SOL) – Schedule 3 in effect from 1 July 2010.

**See:** <http://www.immi.gov.au/skilled/general-skilled-migration/pdf/new-list-of-occupations.pdf>

4. All other applications are to be processed in the order in which they are received.

Priority processing refers to the order in which the department considers skilled migration applications. Section 51 of the *Migration Act 1958* gives the Minister for Immigration and Citizenship powers to consider and finalise visa applications in an order of priority that the Minister considers appropriate. The changes to priority processing do not change the criteria for the grant of a visa.

The new Direction simplifies priority processing arrangements. The new arrangements have been designed to complement other recent changes to skilled migration to ensure that the economy gets the skills it needs now. They help to better address the needs of industry by targeting skills in demand across a number of sectors, and help ensure that the skilled migration program is responsive to the current economic climate and the needs of the Australian economy. Priority processing arrangements are subject to further change in response to the economic climate and the demand for particular skills in the Australian economy.

Priority processing arrangements apply to current applications, including those in the final stages of processing. Departmental case officers must follow the Direction made by the Minister about

priority processing. Case officers are not able to respond to requests to process individual applications outside of the order set out in these processing priority arrangements. Refunds of costs incurred during processing are not available for delays in processing.

### **GSM visas affected**

The following GSM visas are affected by priority processing:

- Skilled – Independent subclass 175
- Skilled – Independent subclass 176
- Skilled – Regional Sponsored subclass 475
- Skilled – Regional Sponsored subclass 487
- Skilled – Independent Regional subclass 495
- Skilled – Designated Area-sponsored (Provisional) subclass 496
- Graduate – Skilled subclass 497
- Skilled – Onshore Independent New Zealand Citizen subclass 861
- Skilled – Onshore Australian-sponsored New Zealand Citizen subclass 862
- Skilled – Onshore Designated Area-sponsored New Zealand Citizen subclass 863
- Skilled – Independent Overseas Student subclass 880
- Skilled – Australian-sponsored subclass 881
- Skilled – Designated Area-sponsored Overseas Student subclass 882
- Skilled – Independent subclass 885
- Skilled – Sponsored subclass 886.

### **GSM visas exempt**

The following visa subclasses are **exempt** from priority processing and will be processed in the order in which they are received:

- Skilled – Recognised Graduate subclass 476
- Skilled – Graduate subclass 485
- Skilled – Designated Area – Sponsored (Residence) subclass 883
- Skilled – Regional subclass 887.

Applications that are remitted to the Department by the Migration Review Tribunal (MRT), applications where it is readily apparent that the criteria for grant of a visa would not be satisfied and applications from subsequent entrants are all exempt from priority processing. They are processed in the order in which they are received or returned from the MRT.

### **ENS, RSMS and State Migration Plans – Priority groups 1 and 2**

Applications from people who are employer sponsored under the ENS or RSMS receive the highest level of priority processing. More information about ENS or RSMS is available on the departmental website.

**See:** [www.immi.gov.au/skilled/skilled-workers/visa-permanent.htm](http://www.immi.gov.au/skilled/skilled-workers/visa-permanent.htm)

Applications from people who are nominated by a state or territory government agency with a nominated occupation that is specified on the state or territory's state migration plan receive the second highest level of priority processing. State migration plans will be developed by state/territory governments in consultation with the department. They will include occupations that are in demand in each individual state and territory. State migration plans are currently being developed and are expected to come into effect during the second half of 2010.

Applicants that have been nominated by a state or territory government agency in an occupation that is subsequently specified in their nominating state or territory's state migration plan will receive processing under priority group 2.

### **Occupations on the SOL - Schedule 3 in effect at 1 July 2010 – priority group 3**

All applicants with a nominated occupation on the SOL - Schedule 3 are included in priority group 3. This includes both independent applicants and applicants sponsored by an Australian family member or nominated by a state or territory government (but not on a state migration plan).

Priority group 3 includes all applicants with a nominated occupation of accountant, except those already included in priority groups 1 or 2.

### **All other applications – priority group 4**

Applicants with a nominated occupation that is not on the SOL - Schedule 3 in effect at 1 July 2010 and who are not employer sponsored or nominated by a state or territory government under a state migration plan, will be processed under priority group 4.

Applicants with a nominated occupation that is not on the SOL – Schedule 3 in effect at 1 July 2010 can only move into a higher priority group by lodging a new application with an employer sponsorship or a state or territory government nomination in an occupation specified under a state migration plan. Alternatively, applicants can only nominate a different occupation that is on the SOL – Schedule 3 by lodging a new application. It is not possible to change a nominated occupation or to change to an employer sponsored or state nominated visa category, unless a new application is lodged. A new application would require the payment of a new Visa Application Charge.

Applicants should not contact the department to request that their application be exempt from the priority processing Direction. Case officers do not have discretion to exempt applications.

Applicants with a nominated occupation of Computing Professional (nec), Hospital Pharmacist and Retail Pharmacist, who have already been allocated a case officer, will be contacted directly by their case officer to advise processing arrangements.

## **Options available to applicants in priority group 4**

Applicants with nominated occupations in priority group 4 will have a long wait for visa processing. The options available for applicants who were outside Australia when they made their application are:

- continue to await a decision on their visa application
- consider eligibility for an employer sponsored visa, which would require a new visa application;
- consider eligibility for nomination by a state or territory government under a state migration plan, which would require a new visa application
- withdraw their application.

The options available for applicants who were in Australia when they made their application are:

- continue to live and work in Australia (if their visa permits) while awaiting a decision on their visa application
- consider eligibility for an employer sponsored visa, which would require a new visa application
- consider eligibility for nomination by a state and territory government under a state migration plan, which would require a new visa application
- apply for another substantive visa
- withdraw their application and depart Australia.

Applicants who need to travel overseas while waiting for their application to be processed should approach their local office of the Department of Immigration and Citizenship to discuss an application for a Bridging visa B. A Bridging visa B is generally not issued for greater than three months. Applicants should not contact the visa processing centre where they lodged their application to request a Bridging visa B.

Bridging visa C holders who want to apply for work rights should contact the visa processing centre where they lodged their application.

Please note: Applicants are not entitled to a refund of their Visa Application Charge or compensation for other costs incurred in making an application.

## **Processing Times**

Estimates of processing times that may apply to different types of applicants are provided as a guide only. As processing times are dependent on a range of factors, individual processing times may vary considerably from the published estimates. Estimates are subject to change in response to changes in application rates and skilled migration policy.

Information on estimated processing times is available from the departmental website.

## Useful documents

More information on the changes to the GSM program is available from the departmental website.

**See:**

<http://www.immi.gov.au/skilled/general-skilled-migration/pdf/new-list-of-occupations.pdf> (101KB PDF file)

<http://www.immi.gov.au/skilled/general-skilled-migration/pdf/faq-new-sol.pdf> ( 87KB PDF file)

<http://www.immi.gov.au/skilled/general-skilled-migration/pdf/options-not-eligible.pdf> (113KB PDF file)