

The New 495 (Provisional) Skilled Independent Regional (SIR) Visa has finally arrived!

Last week DIMIA finally revealed the information surrounding the new 495 visa subclass. It has been introduced as a new two stage 3 yr visa arrangement of temporary residence followed by permanent residence for people with needed skills, and members of their family unit, who are willing to live and work in regional Australia. You will be able to apply for permanent residence only after 2yrs (more on that in the next newsletter).

The new 495 visa has a points tested pass mark of 110. It is designed for those applicants who cannot reach the current pass mark of 120 points for the Skilled Independent 136 visa and for those students now who cannot reach the current pass mark for the 880 visa of 115 points. Next year the pass mark for the 880 visa rises to 120 points on the 1st of April.

Bad news for many students!

We were hoping along with thousands of students that this new 495 visa would be available to all international students once they have completed an Australia qualification. It is available to some and here are the new rules.

- 1) Students must have studied in Australia at least 2yrs full time, not just the 1yr as we had hoped.
- 2) You will need to have a positive skill assessment completed for an occupation on the Skilled Occupation List (SOL) which is worth 60 points; or
- 3) You can nominate an occupation from the SOL which is worth 50 points only if you have studied for 2 yrs in a regional area (see following list) or if you have completed a PHD Degree.

This news is very disappointing for those students who have recently finished degree qualifications but can only nominate a 50 point skilled occupation. If this is you then you will need to consider further study at Masters level and perhaps you are still going to be at the 50 point level you should consider completing it at an institution which is listed in a regional area.

These Regional areas are described as follows;

- All of NSW is included except for Sydney, Newcastle, the Central Coast and Wollongong;
- All of Victoria is included, except for Melbourne;
- All of Queensland is included, except for Brisbane and the Gold Coast;
- All of Western Australia, except for Perth;
- All of South Australia is included
- All of Tasmania is included
- All of the Northern Territory is included;
- Note that no area of the ACT is included

The Basic Criteria

The basic criteria for the 495 visa is set out as follows;

- 1) The applicant must be less than 45 years of age (at the time of application);
- 2) You must provide a positive skill assessment;
- 3) Prove the recent work experience requirement (students in Australia can get exemption from this);
- 4) You must have at least vocational English (at least 5.0 on each category of the IELTS test);
- 5) You must obtain at least 110 points using the general Skilled Migration Points Test (there is no pool reserve);
- 6) You must obtain sponsorship approval from one of the State/Territory Authority
- 7) You must pay the correct fee and use the correct application form.
- 8) Hold or have held the appropriate Student visa in the last six months before applying (if seeking an exemption from recent work experience requirement).
- 9) Apply within six months of finishing your Australian qualification (after 2yrs study and if seeking an exemption from recent work experience requirement).
- 10) Provide evidence that you have applied for appropriate medical and Australian Federal Police certificate

- 11) Applications can only be lodged at the Adelaide Skilled Processing Centre in the prescribed manner (eg: Courier or P.O address).

Fortunately you no longer need to have the AFP result you just need to prove that you have sent off the application. This change has come about because this year the AFP certificates were in some cases taking more than two months to obtain. However many students will find it a problem to obtain a positive skill assessment whilst waiting on their student visa which is going to expire in the near future.

Providing Skill Assessments

Students who have finished their courses and have the relevant qualifications and skills necessary to be able to nominate a 60 point assessment will be able to lodge for a 497 Graduate Skilled visa. This visa will give them the time to obtain their skill assessment results whilst their student visa expires. You can apply for the 495 visa from a 497 visa.

To then lodge for the 495 visa you must apply before the six month period has expired (since obtaining your results). For those students who can nominate a 50 point skill, the 497 visa is not normally available to you without an Australian Relative sponsor and if you did have one you would not be using the 495 anyway.

If you have a 50 point skill and you have finished a PHD or have studied in a regional area for two years, then to wait in Australia for your skill assessment result you will need to apply for some other visa. The most obvious choice will be the Tourist visa but you then not have permission to work.

It is possible to apply for the 495 from a Bridging Visa A or B no matter which application you have made in order to obtain this Bridging visa.

Volume 10 continues with information how the 495 SIR visa can be turned into permanent residence.