

## 495 (Provisional) Skilled Independent Regional Skilled Visa- Continued

In the last newsletter we outlined the basic requirements to apply for the new three year temporary resident 495 visa. This visa is designed to give you the opportunity to later apply for permanent residence. This may seem a little complicated but overall it provides fantastic opportunities where otherwise there would be none.

## What Permanent Residency Visa's Do I Use In The Future?

DIMIA has taken the decision not to introduce any new permanent resident visa sub-classes specifically designed to accommodate 495 visa holders. Once you have the 495 visa there are three possible options to apply for permanent residency.

- 1) Regional Sponsored Migration Scheme (RSMS);
- 2) State/Territory Nominated Independent (SNTI);
- 3) State/Territory Sponsored Business Owner.

To apply for any of these visa's you must again meet some basic requirements;

- 1) You and you family (if applicable) must have lived in Regional Australia for at least two years (short absences accepted);
- 2) The main applicant has been employed in this area for at least twelve months.

Unfortunately you will not be able to use any prior work experience if you are already working and living in one of these areas. If you cannot apply for any of these P/R visa's you can apply for another 495 visa.

## Regional Sponsored Migration Scheme (RSMS) Sub-class (857)

In this class of visa you will need to have the approved sponsorship of an Australian business which operates in one of the designated regional areas (listed in Volume 9). How you find such a business to sponsor you is entirely up to you but there

may be some local regional schemes to assist which will provide a list of employment opportunities. The employer wishing to nominate you must demonstrate the following;

- 1) The position is a genuine full-time vacancy;
- 2) This position is available for at least two consecutive years (often a signed employment contract must be sighted which will state this);
- 3) The position offered must be one that requires at least Diploma level of education (or Trade Certificate);
- 4) The position cannot be filled by the local labour market (often advertisements may need to run to prove this);
- 5) The money you are going to be paid is at least that required by law.

All of this information is provided to the nominated Regional Certifying Body and they will then decide if the application is genuine or not. If they do not approve it then you cannot apply for the permanent residence visa. However most genuine cases presented to them do get their rubber stamp of approval.

The final stage of this visa process is to then look at you, the applicant. They will check you have the skills/qualifications to be able to do the work position nominated. This is usually the most straight forward part of the application. When you are granted the visa, there are rules that you must not purposefully leave the employer for the next two years. If you do it is possible for DIMIA to cancel your P/R.

## State-Territory Nominated Independent (137)

Each state/territory government in Australia has the ability to nominate certain skilled applicants where they have decided there is a demand for their particular occupation. Each government have their own lists, requirements and application forms so it is best that you look at their web sites directly;

NSW: [www.business.nsw.gov.au](http://www.business.nsw.gov.au)

N/Territory: [www.migration.nt.gov.au](http://www.migration.nt.gov.au)

Queensland: [www.migration.qld.gov.au](http://www.migration.qld.gov.au)

South/Aust: [www.immigration.sa.gov.au](http://www.immigration.sa.gov.au)

Victoria: [www.migration.vic.gov.au](http://www.migration.vic.gov.au)

Tasmania: [www.development.tas.gov.au](http://www.development.tas.gov.au)

Once you have been accepted by one of these governments you can then lodge your P/R application. However be aware that this visa is an offshore application (refer to Issue 4) an hence no Bridging Visa's are available.

## State Territory Sponsored Business Owner (892)

This visa class is for those who have decided to set up their own business in the appropriate areas and they have made them moderately successful. You do not have to have developed a large multinational company to gain approval just a business that meets these basic criteria;

- 1) Total assets (personal and business) in Australia of at least \$250,000 (you and your wife)
- 2) Net asset value in the business of at least \$75,000 (owned by you and your wife)
- 3) Turnover of at least \$200,000 (last 12mths)
- 4) Must have at least 1 full-time employee who is a Citizen or P/R (or a number of part-timers)
- 5) Demonstrate *ownership interest* in the business (usually proof of at least 10% ownership)
- 6) Demonstrate direct and continuous management of that business
- 7) Applicant has been present in Australia in the year before applying

## Health and Character Checks

In all of these visas's applicants must again pass the same health and police checks you did to obtain the 495. The same principle applies that if one family member fails these checks then the whole family fail in the P/R application. Overall these visa's are very possible to achieve but they will take dedication from those who choose these paths.

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