



Australian Government
**Department of Immigration
and Border Protection**

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Direction no. 89 – Order of Consideration – Subclass 858 and Subclass 124 visas

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KEY DATES AND REFERENCES	
Commenced	17/12/2020
Signed	17/12/2020
Status	Current
Revoked	

Direction no. 89
Migration Act 1958
Direction under section 499
Order of Consideration – Subclass 858 and Subclass 124 visas

I, *Alan Tudge*, Acting Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, give this Direction under section 499 of the *Migration Act 1958*.

Dated

THE HON ALAN TUDGE MP

Minister for Population, Cities and Urban Infrastructure

On behalf of the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

Part 1 Preliminary

1. Name of direction

- (1) This Direction is Direction no. 89 - **Order of Consideration – Subclass 858 and Subclass 124 visas**
- (2) This Direction may be cited as Direction no. 89.

2. Commencement

This Direction commences on 17/12/2020.

3. Application

- (1) Subject to subsection (2), this Direction applies:
 - (a) to all persons having functions and powers under the Act who consider and dispose of applications for a Subclass visa 124 visa or a [Subclass 858 visa](#) ; and
 - (b) in relation to visa applications referred to in paragraph (1)(a):
 - (i) made on or after the commencement of this Direction; and
 - (ii) made before the commencement of this Direction and where a decision has not been made on commencement of this Direction.
- (2) This Direction does not apply to the AAT.

4. Preamble

To enable the Department of Home Affairs to give effect to the priority processing intentions of Government for the Global Talent cohort. This will support the responsive processing of applicants that are identified as highly desirable by Government.

5. Interpretation

In this Direction:

Act means the [Migration Act 1958](#) .

AAT means the Administrative Appeals Tribunal.

Subclass 124 visa means a Subclass 124 (Distinguished Talent) visa as prescribed by the Regulations.

Subclass 858 visa means a [Subclass 858 \(Distinguished Talent\) visa as prescribed by the Regulations](#).

Regulations means the [Migration Regulations 1994](#) .

Part 2 Directions

6. Considering applications

(1) Section 51 of the Act provides that the Minister (or a delegate of the Minister) may consider and dispose of applications for visas in such order the Minister considers appropriate.

(2) In determining the order for considering applications for a Subclass 124 visa or a [Subclass 858 visa](#), persons covered by subsection 3(1) of this Direction are directed to give due regard to the order set out in section 7 of this Direction.

7. Order for considering applications

(1) For subsection 6(2) of this Direction, the priority to be given due regard when allocating applications for assessment by a person covered by section 3(1) of this Direction are as follows (starting from paragraph (1)(a) which sets out the highest priority):

(a) applications made in relation to the sectors set out in subsection (2), or in a related sector, and where:

(i) there is written communication from an Australian employer offering employment in Australia with an annual salary equivalent to or higher than the Fair Work high income threshold; or

(ii) the primary applicant's current earnings is an amount equal or greater than the amount referred to in subparagraph (1)(a)(i); or

(iii) where there is evidence the primary applicant is to likely attract a salary that is equal to or greater than the amount referred to in subparagraph (1)(a)(i);

(b) applications that are not covered by paragraph (1)(a).

(2) For subsection (1), the sectors are the following:

(a) Resources;

(b) Agri-food and AgTech;

(c) Energy;

(d) Health industries;

(e) Defence, advanced manufacturing and space;

(f) Circular economy;

(g) Digitech;

(h) Infrastructure and tourism;

(i) Financial services and FinTech;

(j) Education.