



UNCLASSIFIED

Regional Visas

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1. What are the benefits of having a high number of visas available that require employer sponsorship?

- Prioritising visas that require employer sponsorship will ensure Australian business will be able to access the skills they need.
- 30,000 places in the Skill stream will be directed to the Employer Sponsored category and 9,000 places for Skilled-Employer Sponsored Regional (Provisional) visa in the Regional category, for a total of 39,000 employer sponsored places available across the Program.

2. How many visas require state and territory nomination under the Migration Program 2019-20?

- The Migration Program 2019-20 gives states and territories a greater say in their migration needs.
- The State/Territory Regional Nominated Category had a planning level of 28,850 in 2017-18. We are increasing the number of places available to 38,968, an increase of 35 per cent.
- The 38,968 places will be made up of:
 - State/Territory Nominated visa category (24,968 places); and
 - Regional category, specifically the Skilled Work Regional (Provisional) visa (14,000 places).
- States and Territory nomination also remains available under the Business Innovation and Investment Program category (6,862 places).

3. What are the benefits of increasing the number of visas available that require a state or territory nomination?

- States and territories are best placed to identify the skill needs of their jurisdictions.
- Visas requiring state or territory nomination allow for state and territory governments to nominate skilled migrants that align with their specific skill and occupational needs.
- Providing state and territory governments a greater say in where skilled migrants live and work further supports migration to regional Australia.

4. What do the states and territories get throughout the year in relation to size and composition of the Migration Program and to what extent are they involved in the consultation process?

- States and territories are closely engaged with government on planning the Migration Program:
 - The Minister writes to states and territories seeking their views on the size and composition of the permanent Migration Program.
 - State and territory governments provide submissions on the number of applicants they would like to nominate within the state or territory nominated components of the Skill stream.
 - There are regular meetings of the Skilled Migration Officials Group — a meeting with state and territory representatives from relevant trade/workforce and economic development departments, other Australian Government agency representatives, and the Department. The group discusses proposals and new initiatives, shares information, considers issues and further develops strategies arising in implementation of policies in relation to skilled migration.
- The contribution from states and territories informs the Department on their priorities regarding the size and composition of the Migration Program. This ensures that the program is designed to support the needs of the respective states and territories, and local communities.

- On 19 November 2018, the Prime Minister called for a bottom up approach to planning the Migration Program, and recognised the need for enhanced discussions with the states and territories on how to best plan for their changing population.
- On 12 December 2018, Population planning was added as a standing item on the agenda of the Council of Australian Governments. Immigration is a significant consideration in population planning.

Regional Migration

5. What do the new regional visas do?

- The new Skilled Regional Provisional visas are for skilled migrants, and dependent family members, who want to live and work in regional Australia.
- There will be two new Skilled Regional Provisional visas:
 - Skilled Employer Sponsored Regional (Provisional) visa, enabling an Australian business to sponsor skilled workers to work in their business; and
 - Skilled Work Regional (Provisional) visa, for skilled people who are nominated by a State or Territory government or sponsored by an eligible family member to live and work in regional Australia.
- Holders of these new regional provisional visas are required to live and work in regional Australia.
- Importantly, to be eligible for permanent residence, regional provisional visa holders will need to demonstrate they have lived and worked in regional Australia as holders of a regional provisional visa. Under the two new visas, a person would need to demonstrate three years of taxable income at a minimum level to be eligible for permanent residence.

6. When do the new regional provisional visas commence?

- The Skilled Employer Sponsored Regional (Provisional) visa and Skilled Work Regional (Provisional) visa are scheduled to commence in November 2019.

7. Is new legislation required to implement the new regional provisional visas?

- Yes amendments are required to the *Migration Regulations 1994* and *Migration (Skilling Australians Fund) Charges Regulations 2018*.
- Amendments to primary legislation – the Migration Act for example – is not required.

8. Could the legislation to implement the new regional provisional visas be disallowed by Parliament?

- Yes.

9. Who is eligible for the Skilled Work Regional (Provisional) visas?

- People who want to live and work in regional Australia and who:
 - lodge an Expression of Interest and are invited to apply;
 - are nominated by a State or Territory or Sponsored by a family member residing in regional Australia;
 - have an occupation on the relevant skilled occupation list;
 - are under 45 years of age;

- have good English language skills;
- meet the Points Test pass mark; and
- must satisfy public interest criteria including health, character and national security.

10. Who is eligible for the Skilled Employer Sponsored Regional (Provisional) visas?

- Skilled workers who want to live and work in regional Australia and who are sponsored by an Australian business to fill an identified vacancy.
- Generally, applicants must:
 - have an occupation on the relevant skilled occupation list;
 - demonstrate skilled work experience;
 - evidence of employment in the nominated occupation for at least three years on a full time basis;
 - are under 45 years of age;
 - have good English language skills; and
 - must satisfy public interest criteria including health, character and national security.
- This visa will operate under the sponsorship framework of the Migration Act which is designed protect foreign workers from exploitation and ensure labour market need is met through domestic labour first.

11. What happens if a person does not have an employer sponsor?

- A person cannot lodge an application for a Skilled Employer Sponsored Regional (Provisional) visa without an Australian business sponsoring them.
- However, a person can submit an Expression of Interest for a Skilled Work Regional (Provisional) visa seeking to be nominated by a State or Territory Government.
- If a person's skills and experience are desired by a State or Territory Government, they may choose to nominate them. This nomination will lead to an invitation to apply for a Skilled Work Regional (Provisional) visa being issued.

12. Which family members are eligible to sponsor a person for a Skilled Work Regional (Provisional) visa?

- In order to sponsor a person for a Skilled Work Regional (Provisional) visa, the sponsor must be an Australian citizen, permanent resident or an eligible New Zealand citizen who usually resides in a regional area and has turned 18 years of age.
- The sponsor must be related to the applicant or the applicant's migrating spouse by way of;
 - parent; or
 - child or step-child; or
 - brother, sister, adoptive brother, adoptive sister, step-brother or step-sister; or
 - aunt, uncle, adoptive aunt, adoptive uncle, step-aunt or step-uncle; or
 - nephew, niece, adoptive nephew, adoptive niece, step-nephew or step-niece; or
 - grandparent; or
 - first cousin.

- Allowing family members to sponsor people for this visa will help grow regional communities while having an existing family support network available to the visa holder.

13. What are the requirements for sponsorship by an eligible family member for a Skilled Work Regional (Provisional) visa?

- In order to be a sponsor, the eligible family member must be:
 - 18 years or older;
 - An Australian citizen, permanent resident or eligible New Zealand citizen; and
 - Usually resident in a regional area.
- In considering whether the sponsor is usually resident in a regional area, officers will consider the sponsor's actual physical residence, that is, where they eat and sleep and have their usual abode.
- An 'eligible family member' must be related to the applicant or the applicant's migrating spouse by being a;
 - parent; or
 - child or step-child; or
 - brother, sister, adoptive brother, adoptive sister, step-brother or step-sister; or
 - aunt, uncle, adoptive aunt, adoptive uncle, step-aunt or step-uncle; or
 - nephew, niece, adoptive nephew, adoptive niece, step-nephew or step-niece; or
 - grandparent; or
 - first cousin.
- Each member of the family unit included in the application for the Skilled Work Regional (Provisional) visa is also sponsored by the eligible family member.
- The eligible family member must sign a sponsorship undertaking to assist the applicant, to the extent necessary, financially and in relation to accommodation. This includes any period of participation by the applicant in the Adult Migrant English Program administered by Immigration. Additionally, the sponsor undertakes to accept responsibility for:
 - all financial obligations to the Commonwealth incurred by the applicant arising out of the applicant's stay in Australia; and
 - compliance by the applicant with all relevant legislation and awards in relation to any employment entered into by the applicant in Australia; and
 - unless the Minister otherwise decides, compliance by the applicant with the conditions under which the applicant was allowed to enter Australia.

14. Can family members join the main applicant at a later time?

- Yes. Family members can apply to be a subsequent entrant for one of the new Skilled Regional Provisional visas.
- If they meet the relevant criteria, their visa will be granted until the date the main applicant's visa ceases.

15. Will regional provisional visa holders have a pathway to permanent residence?

- Yes, holders of the new regional provisional visas will be able to apply for a Permanent Residence visa.

- Primary applicants must meet an income requirement for three out of the five years of their provisional visa and all applicants must have complied with the requirement to live, work and study in a regional area for the duration of their provisional visa.
- The Permanent Residence (Skilled Regional) visa will commence in November 2022.

16. What is the difference between existing visas and the two new Skilled Regional Provisional visas?

- Applicants for the new Skilled Work Regional (Provisional) visa will have access to more points for regional nomination/sponsorship.
- The new visas will also be eligible for priority processing.
- The two new skilled regional provisional visas will require the holder and their families to live and work in a regional area for three years.
- Other compliance conditions will be applied to ensure visa holders report any change of circumstances to the Department of Home Affairs within 14 days.
- Additionally, visa holders may be required to attend an interview or provide supporting evidence to demonstrate that they are living and working in regional Australia.
- These requirements mean migrants are more likely to stay in a regional area longer-term, as they can build ties to a particular location, through workforce participation or community involvement.

17. How long will people be required to stay in the region?

- Regional provisional visa holders are required to live and work in regional Australia, for the duration of their visa. Visas are granted with a validity period of up to five years.
- Regional provisional visa holders will be eligible to apply for permanent residence after three years.

18. What happens if the primary applicants becomes separated from their spouse while holding a new Skilled Regional Provisional visa, including due to family violence?

- Should a visa holder and their dependent partner separate, the dependent partner, and any other dependent family members, continue to hold their Skilled Regional Provisional visa.
- The spouse is eligible for the new Permanent Resident (Skilled Regional) visa provided they meet the criteria in their own right. This includes the minimum taxable income requirement and complying with their visa conditions.
- The spouse may also choose to apply for other visas, including both temporary and other permanent visas. They would have to meet the same criteria as anyone else applying for a further visa. In addition, should they wish to apply for:
 - Subclass 124 Distinguished Talent;
 - Subclass 132 Business Talent;
 - Subclass 186 Employer Nomination Scheme;
 - Subclass 188 Business Innovation and Investment (Provisional);
 - Subclass 189 Skilled – Independent;
 - Subclass 190 Skilled – Nominated;
 - Subclass 858 Distinguished Talent; or

- Subclass 820 Partner visa.

the spouse must have held their skilled regional provisional visa their least three years from the date of grant. This recognises their commitment to regional Australia which was made at the time of application for the skilled regional provisional visa.

- If the couple have divorced or separated as a result of family violence perpetrated by the primary applicant, the primary applicant's visa would be subject to cancellation pending investigation by the relevant authorities.

19. Why do we need these changes?

- Australia's regional areas offer a diverse and appealing way of life. While some regions are growing strongly however, others want more access to skilled migrants to fill critical skills needs where suitable skilled Australians are not available.
- These measures support regional communities and businesses to access skilled migrants to assist regional economies, and to encourage migrants and their families to settle in regional communities.

20. What are the positive impacts for those in Regional Australia?

- These changes will enable regional businesses to fill vacant jobs faster and encourage skilled migrants and their families to settle and remain in regional areas.
- A key feature of the new visas is a requirement for skilled regional migrants to live and work in a regional area for three years before being eligible for permanent residence.
- This will mean migrants are more likely to stay in a regional area longer-term, as they can build ties to a particular location, through workforce participation or community involvement.
- There will be greater incentives for regional employers to nominate skilled workers, including access to additional regional occupations and priority processing of regional visa applications. There will also be additional points for certain points-tested migrants who are sponsored to live and work in regional Australia.
- These reforms complement Designated Area Migration Agreements, which provide tailored migration arrangements to suit the specific needs of local regions.

21. What is 'regional Australia'? How is this defined and when is it changing?

- Currently, there are four different definitions of regional Australia currently in use across nine different skilled migration visas, which generally define all of Australia as regional except for the following metropolitan areas:
 - Sydney, Newcastle and Wollongong;
 - Melbourne;
 - Brisbane and the Gold Coast; and
 - Perth.
- The definition of Regional Australia will be simplified and expanded from November 2019 to include all of Australia except for the following metropolitan areas:
 - Sydney;
 - Melbourne;
 - Brisbane and the Gold Coast; and
 - Perth.

- The new definition will form single contiguous borders, as defined by postcodes, around these metropolitan areas.
- A full list of postcodes defining regional areas will be available on the Department of Home Affairs website.
- The new definition of regional Australia will commence in November 2019.

22. What new areas have been added to the definition of regional Australia?

- A number of areas will be added including:
 - NSW: Blue Mountains, Hawkesbury, Newcastle and Wollongong.
 - VIC: Cardinia, Mornington Peninsula, Nillumbik, Whittlesea, and the Yarra Ranges.
 - QLD: Bribie Island, Moreton Island, North Stradbroke Island, and South Burnett.
 - WA: Mount Helena.
- The new definition of regional Australia will commence in November 2019.

23. What areas have been removed from the new regional definition?

- The new definition of regional Australia will replace four different definitions of regional Australia currently in use across nine different skilled migration visas.
- Generally, the change will mean certain areas that did not have access to regional concessions, including Newcastle, Wollongong and the ACT, will now have access.
- Family members in the Melbourne, Gold Coast and Perth metropolitan areas will not be able to sponsor people for a Skilled Work Regional (Provisional) visa.
- Currently family members usually resident in the Melbourne, Gold Coast and Perth metropolitan areas are able to sponsored family members under the existing Skilled Regional (Provisional) (subclass 489) visa.

24. What are the benefits of the change to the regional definition?

- Additional regional areas have been included, ensuring that more regional employers can access the skills and labour needed in regional Australia.
- The new definition will be simpler to understand and apply, and replaces the four different definitions currently in use for different skilled migration visas.
- Areas within the new regional definition will have access to the two new regional provisional visas, which enable migrants and employers to access a wider range of occupations as well as receiving priority processing.
- The new definition of regional Australia is expected to commence in November 2019.

25. Aren't points already awarded for regional Australia? How will providing additional points help?

- Points are already available for people with an existing connection to, or intention to live, in regional Australia:
 - 5 points: Study in regional Australia or a low population growth metropolitan area that meets the Australian study requirement;
 - 10 points: Nomination by a state or territory government to live and work in a regional or low population-growth metropolitan area; or Sponsorship by an eligible relative to live and work in a regional area of Australia.

- The 5 additional points for regional nomination or sponsorship provide an extra incentive for potential migrants to consider settling in regional Australia.

26. What additional regional occupations will be available?

- Employers in regional Australia, as well as State and Territory governments, who sponsor regional skilled migrants will continue to have access to many more occupations than for equivalent non-regional visas.
 - the new Skilled Employer Sponsored Regional (Provisional) visa will have 673 eligible occupations (Over 450 more occupations than closest non-regional equivalent visa).
 - the new Skilled Work Regional (Provisional) visa will have 504 eligible occupations (77 more than closest non-regional equivalent visa).
- In addition, Designated Area Migration Agreements can be developed to cater for the particular skill and labour needs of specific areas.
- The Department of Jobs and Small Business undertakes regular reviews of occupations lists to ensure that skilled migration is targeted to the needs of the Australian labour market, including in regional Australia.

27. What is a Designated Area Migration Agreement?

- DAMAs are tailored agreements that enable designated regions to respond to their unique workforce shortages by accessing experienced overseas workers for vacant skilled or semi-skilled occupations that cannot be filled by Australian workers from the local labour market.
- A DAMA is a formal agreement between the Australian Government and a state/territory government or regional body with responsibility allocated to a Designated Area Representative (DAR) who act on behalf of state/territory government or regional body. The terms of each DAMA are negotiated individually and are agreed to by the Minister for Immigration, Citizenship and Multicultural Affairs.

28. When are you going to implement more Designated Area Migration Agreements? And where?

- As of 2 April 2019, six Designated Area Migration Agreements were announced by the Government:
 - a second Designated Area Migration Agreement for the Northern Territory executed on 13 December 2018;
 - a Designated Area Migration Agreement with the Great South Coast, Victoria was announced on 10 December 2018 and executed on 26 March 2019;
 - a Designated Area Migration Agreement with Kalgoorlie-Boulder, Western Australia was announced and executed on 21 March 2019; and
 - intention to enter into Designated Area Migration Agreements for Adelaide City and Regional South Australia was announced on 21 March 2019.
- The Government is currently in negotiations with other regional areas for new Designated Area Migration Agreements across Australia.

29. Are there any Designated Area Migration Agreements *in existence now and will there be more?*

- The Northern Territory Designated Area Migration Agreement has been operating successfully since 2015, and in December 2018, a further five year agreement between the NT Government and the Australian Government commenced.
- The Minister/Government has agreed to establish Designated Area Migration Agreements in the following regional locations:
 - Kalgoorlie-Boulder, Western Australia (Goldfields)
 - Regional South Australia
 - Adelaide City
 - Great South Coast, Victoria (which was announced late last year).

30. Can holders of temporary visas issued under a Designated Area Migration Agreement apply for another permanent residence skilled visa if they move to a capital city outside of the designated area?

- Yes. Holders of temporary visas issued under a Designated Area Migration Agreement can apply for a temporary or permanent visa not specified under a Designated Area Migration Agreement, provided they can meet the eligibility criteria for that visa.
 - However, any visa criteria concessions specific to the Designated Area Migration Agreement would not be available.
 - So they may not be able to meet the criteria for another visa without the Designated Area Migration Agreement concessions.

31. Will people working under a Designated Area Migration Agreement be placed on the new Skilled Employer Sponsored Regional (Provisional) visa? What about people currently working under the Temporary Skill Shortage visa under a Designated Area Migration Agreement?

- Currently, Designated Area Migration Agreements enable employers in a defined regional area to sponsor workers, with agreed concessions to standard visa criteria, under the Temporary Skill Shortage visa and the permanent Employer Nomination Scheme visa.
 - Current holders of the Temporary Skill Shortage visa will continue to progress to permanent residence under the Employer Nomination Scheme
- Once the new Skilled Employer Sponsored Regional (Provisional) visa is introduced in November 2019, Designated Area Migration Agreements can specify that all visa holders have to hold this visa before being able to apply for permanent residence.

32. Will the subclass 489 – Skilled Regional (Provisional) visa remain open?

- No. When the new skilled regional provisional visas commence, this visa will close to applicants seeking to be granted a subclass 489 in the first provisional visa stream.
- Applications lodged prior to the closure on the Subclass 489 in November 2019, will continue to be processed as normal.
- The ability for State and Territory Government agencies and eligible family members to nominate and sponsor a visa applicant will continue under the new Skilled Work Regional (Provisional) visa.

33. How many family members have sponsored applicants for the current 489 – Skilled Regional (Provisional) visa?

- In 2017/18, 1524 subclass 489 – Skilled Regional (Provisional) visas were granted with sponsorship from an eligible family member.

34. If I am granted a new skilled regional provisional visa, can I apply for a different skilled visa?

- No. Visa holders will need to live and work in regional Australia for at least three years before they can be eligible for the grant of a different type of skilled visa.

35. How will the Government ensure regional provisional visa workers will not be exploited?

- Australia has a legislative framework to protect workers, both Australian citizens and foreign nationals. Provisional visa holders employed in Australian workplaces are entitled to the same workplace rights and protections as employees who are Australian citizens and permanent residents. This includes pay and conditions under relevant modern awards and enterprise agreements, superannuation and workplace safety.
- Visa holders who are underpaid or exploited can approach agencies such as the Fair Work Ombudsman for assistance resolving issues at work.
- Worker who hold the new Skilled Employer Sponsored Regional (Provisional) visas will fall under the sponsorship framework of the Migration Act 1958.
- The framework is designed protect foreign workers from exploitation and ensure labour market need is met through domestic labour first. Employers who do not meet their obligations under the sponsorship framework may face administrative and possibly civil sanctions.

36. The Government has announced funding of \$19.4 million to encourage skilled workers to migrate to regional areas. How much of that is additional funding for processing?

- The Minister for Immigration, Citizenship and Multicultural Affairs announced on 8 February 2019 that the Government will provide \$19.4 million in funding over four years from 2018–19 to increase the attractiveness of regional areas to prospective skilled migrants, through:
 - expanding the use of Designated Area Migration Agreements to address regional workforce issues;
 - priority visa processing for regional employers and migrants wanting to live and work in regional areas;
 - undertaking outreach activities to support regional employers to access skilled migrant workers.
- Of this funding, \$11.1 million has been allocated to prioritise the processing of skilled visas for people migrating to regional areas.

37. How many extra staff will you employ to process regional visa applications?

- 16 full-time equivalent officers are currently working in the Priority Processing team which is focused on priority processing for regional applications and other priority cohorts.

38. How much faster will regional visas be processed?

- At this early stage, it is not possible to provide processing times.

- Additional resources are being allocated to reduce the backlogs in applications for permanent employer sponsored visas, and to give priority processing to regional employers, Designated Area Migration Agreements, Global Talent Scheme agreements, and accredited sponsors.
- Over the past three months, on-hand applications for the Employer Nomination Scheme and the Regional Sponsored Migration Scheme have reduced by around 2,500 and 3,500 respectively.
- Full and complete applications will be allocated and processed in less time than the current published global processing standards.

39. Who will get priority processing?

- Priority processing arrangements will be expanded to include visa applications sponsored by regional employers under other employer-sponsored visas:
 - Temporary Skill Shortage (TSS) visa applications for positions located in regional areas, including applications lodged under a Designated Area Migration Agreement or a Global Talent Scheme agreement.
 - Permanent Employer Nomination Scheme (ENS) visa applications for positions located in regional areas, including applications lodged under a Designated Area Migration Agreement or a Global Talent Scheme agreement.
- Currently, only Regional Sponsored Migration Scheme (RSMS) applications are given priority processing.

40. How can you ensure that these people will have jobs when they move to regional areas?

- Skilled Employer Sponsored Regional (Provisional) visa holders will be sponsored in a job before they are eligible for the grant of their visa.
- Skilled Work Regional (Provisional) visa holders can only apply for the visa if they have an eligible occupation and if they are nominated by a state/territory or sponsored by an eligible family member. Eligible occupations are reviewed regularly by the Department of Jobs and Small Business to ensure that skilled migrants are targeted only for jobs that are in shortage.

41. What happens if a visa holder becomes unemployed?

- Skilled Employer Sponsored Regional (Provisional) visa holders will have 90 days to find new employment or leave Australia if their original employment ceases.
 - If they do not find employment in 90 days, their visa could be cancelled as they would be in breach of a condition on their visa that they remain working for the employer who sponsored them.
- Any new employment must be supported by a nomination from an approved sponsor and be located in a regional area.
- If a Skilled Work Regional (Provisional) visa holder becomes unemployed, they are expected to find alternative employment.
 - Any employment must be in a regional area.
 - As the visa is not an employer sponsored visa, there is no condition on the visa that requires they remain working for their employer sponsor.
- To be eligible for the Permanent Residence visa, the applicant must demonstrate three years of taxable income at a minimum level.

42. What will happen to the Regional Sponsored Migration Scheme visa?

- The new Skilled Employer Sponsored Regional (Provisional) visa commences in November 2019.
- The RSMS visa will close to new applications from November 2019 unless the applicant is:
 - a person who on 20 March 2019:
 - held a Temporary Skill Shortage (Subclass 482) visa in the Medium-term stream; or
 - was an applicant for a Temporary Skill Shortage (Subclass 482) visa in the Medium-term stream that was subsequently granted; or
 - a person who on 18 April 2017 (the date the Government announced the abolition of the subclass 457 visa):
 - held a Temporary Work (Skilled) (Subclass 457) visa; or
 - was an applicant for a Temporary Work (Skilled) (Subclass 457) visa that was subsequently granted.

43. Will Temporary Skilled Shortage (TSS) visa holders have to wait longer to get Permanent Residence?

- Existing TSS visa holders won't be impacted by the changes. Transitional arrangements apply to them.
- Future TSS visa holders, in regions or in urban areas, will still be able to access the Employer Nomination Scheme (ENS) visa as they do now.
- In regions, the changes provide an additional option for employers.
- Employers will have the choice of sponsoring a worker either under the TSS visa or the Skilled Employer Sponsored Regional (Provisional) visa.
 - The TSS visa is a temporary visa and carries no guarantee of progression to a permanent visa.

44. Which TSS visa holders can access the Skilled Employer Sponsored Regional (Provisional) visa?

- All TSS visa holders can apply for the Skilled Employer Sponsored Regional (Provisional) visa.

45. What transitional arrangements apply to Temporary Skill Shortage visa holders in relation to the RSMS visa?

- TSS (Subclass 482) visa holders who on 20 March 2019:
 - held a TSS (Subclass 482) visa in the Medium-term stream; or
 - was an applicant for a TSS (Subclass 482) visa in the Medium-term stream that was subsequently granted;
 will be eligible to apply for the RSMS visa.

46. I have a pending Regional Sponsored Migration Scheme application – what happens to me?

- Applications lodged prior to the closure of the Regional Sponsored Migration Scheme will be continue to be processed as normal.

47. What will happen to the Employer Nomination Scheme visa?

- The Employer Nomination Scheme will remain open to new applications.

48. Won't skilled migrants prefer to apply for the Employer Nomination Scheme as that visa is a permanent visa, and the Skilled Employer Sponsored Regional (Provisional) visas being a provisional visa?

- Both visas are employer sponsored visas and it will be open to employers to decide under which visa they will nominate a skilled worker.
- The Skilled Employer Sponsored Regional (Provisional) visa will have access to a much greater number of eligible occupations than the Employer Nomination Scheme.
- Over 450 additional occupations are eligible for regional employer sponsored visas than for the Employer Nomination Scheme.

49. What role will Regional Certifying Bodies have with the new Skilled Employer Sponsored Regional (Provisional) visa?

- Regional Certifying Bodies specified by the Minister in a legislative instrument, will provide advice in relation to whether the applicant (nominee) would be paid at least the annual market salary rate for the relevant occupation.
- Other factors, including:
 - whether there is a genuine need for the nominee to be employed in the position; and
 - if the position can be filled by an Australian citizen or an Australian permanent resident who is living in, or would move to, the regional area
 will be considered by the Department.
- Sponsoring businesses are required to undertake labour market testing to demonstrate that they have advertised for the job locally, and have been unable to fill the vacancy with an Australian Citizen or permanent resident worker.

50. What are the skills assessment requirements of the new Skilled Regional (Provisional) visas?

- Applicants seeking to satisfy the primary criteria for the grant of a Skilled Work Regional (Provisional) visa and a Skilled Employer Sponsored Regional (Provisional) visa in the Employer Sponsored stream will be required to provide a satisfactory skills assessment for their nominated occupation.

51. Will these measures reduce the number of visas granted?

- No, these reforms will make it easier for regional employers to find and recruit highly skilled migrants in areas where no Australian workers are currently available.

52. Will new regional migrants be required to live in regions?

- Yes. Migrants that apply for a new regional provisional visa will need to live and work in regional Australia for the duration of their visa.
- Migrants will need to comply with this requirement to be eligible for permanent residence. Migrants who do not abide by the conditions of their visa may have that visa cancelled.

53. How will the Department know if people are living in regional Australia?

- All new regional provisional visa holders must provide the Department with up-to-date contact details so we can provide them with important information about their visa.
- Regional provisional visa holders will need to tell the Department of their new address or employer within 28 days of moving home or job, as a condition of their visa. They will also have to verify their address and work arrangements after visa grant.
- Rental agreements, utility bills, employment contracts and tax returns may be used to verify an address or work arrangement.

54. What happens if someone does not comply with these conditions?

- If the Department becomes aware of non-compliance with visa conditions, the visa will be considered for cancellation. Where a person's visa is cancelled they would be expected to depart Australia and may be ineligible to be granted another visa for a period of three years.
- Adherence to regional compliance visa conditions will also be assessed when a person applies for a permanent residence visa. Regional provisional visa holders who have failed to comply with their visa conditions, including any compulsory reporting requirements, will not be granted permanent residence.

55. Will there be spot checks?

- The Department will deploy a range of measures to ensure compliance. Specific measures will depend on individual situations, but the Department does not rule out any lawful measure to achieve high levels of compliance.

56. What happens if you move to a city? (i.e. your employer wants you to move to their city office?)

- People granted a regional provisional visa commit to living and working in regional Australia for the duration of the visa. This includes any family members residing with the main applicant.
- Visa holders will need to comply with this requirement to be eligible for permanent residence and to avoid being subject to visa cancellation.

57. What is the new provision that prevents a regional visa holder from applying for a further 'non-regional' unrestricted skilled visa?

- Visa holders are not eligible to be granted another skilled visa without a regional requirement for at least three years from the date of grant of their skilled regional provisional visa. The visas which they are not eligible for include:
 - Subclass 124 Distinguished Talent;
 - Subclass 132 Business Talent;
 - Subclass 186 Employer Nomination Scheme;
 - Subclass 188 Business Innovation and Investment (Provisional);
 - Subclass 189 Skilled – Independent;
 - Subclass 190 Skilled – Nominated; and
 - Subclass 858 Distinguished Talent.
- Visa holders are also barred from applying for an onshore partner visa for at least three years from the date of grant of their skilled regional provisional visa.

- Visa holders are eligible to apply for other family visas including child, at any time.
- Visa holders are eligible to apply for a temporary visa at any time.
- If a visa holder does not comply with the condition to live and work in a regional area, their visa is subject to cancellation.
- Additionally, they will not be eligible for the grant of a Permanent Residence visa if they do not comply with the conditions of their visa unless the applicant meets circumstances specified in a legislative instrument.

58. Can a regional provisional visa holders apply for another skilled visa without a regional requirement?

- Visa holders are not eligible to be granted another skilled visa without a regional requirement for at least three years from the date of grant of their skilled regional provisional visa. The visas which they are not eligible for include:
 - Subclass 124 Distinguished Talent;
 - Subclass 132 Business Talent;
 - Subclass 186 Employer Nomination Scheme;
 - Subclass 188 Business Innovation and Investment (Provisional);
 - Subclass 189 Skilled – Independent;
 - Subclass 190 Skilled – Nominated; and
 - Subclass 858 Distinguished Talent.

59. Can a regional provisional visa holders apply for family visa or temporary visa?

- Visa holders are barred from applying for an onshore partner visa for at least three years from the date of grant of their Skilled Regional Provisional visa.
- Visa holders are eligible to apply for other family visas including child, at any time.
- Visa holders are eligible to apply for a temporary visa at any time.

60. Can a regional provisional visa holder move permanently outside of regional Australia in exceptional circumstances, such as to seek ongoing medical treatment?

- Regional provisional visa holders agree to live and work in regional Australia for the duration of their provisional visa.
- Visa holders need to comply with this requirement and it would be a breach of their visa conditions to move permanently to a non-regional location, such as a major capital city. If they do, their provisional visa may be subject to cancellation or they may be refused a permanent visa.
- Short visits to non-regional areas, including for medical treatment, would not be a breach of these conditions. Compassionate and compelling circumstances will also be considered on a case by case basis.
- Regional Australia is defined as all of Australia with the exception of Sydney, Melbourne, Brisbane, the Gold Coast, and Perth.

61. Can a regional provisional visa holder move to a non-regional area to study at university?

- No. Regional provisional visa holders agree to commit to live and work in regional Australia for the duration of their provisional visa. This includes any studies undertaken by the main applicant or any family members. Visa holders need to comply with this requirement. If they do not, their provisional visa may be subject to cancellation or they may be refused a permanent visa.
- Regional Australia is defined as all of Australia with the exception of Sydney, Melbourne, Brisbane, the Gold Coast, and Perth. There are many options for university study within regional Australia.

62. How will we make sure that migrants going to regional areas will be supported? Will migrant communities be accepted and will the Australian community accept them?

- The Government is committed to supporting regional migrants settle into regional areas, including through regional visa settings that encourage long-term settlement.
- The Government works closely with state, territory and local governments, and local communities, to attract and retain skilled migrants in regional areas, including by investing in regional communities to ensure that regional Australia shares the benefits of Australia's strong economy.

63. Does studying in a regional area help obtain permanent residence?

- The skilled migration program awards 5 bonus points in the points test for an Australian qualification and a further 5 points if the qualification was conferred by an education provider located in a regional area.

64. Are the Welfare arrangements changing, and how does access to welfare and Medicare work in the new regional visas?

- Welfare provisions will be maintained for existing and future provisional visa holders, including for the new regional visas.

Additional points under the Skilled Migration Points Test

65. Why are additional points needed in the skilled migration points test?

- The additional points are based on recommendations from the Productivity Commission's 2016 Report on the Migrant Intake into Australia. The additional points improve the composition of the migrant intake by ensuring the best and brightest prospective skilled migrants are invited to apply for a visa – single or partnered.

66. What is the purpose of awarding additional points to people with skilled partners?

- Granting additional points to people with skilled partners will improve the economic contribution of skilled migrants to Australia.
- The change will improve the composition of the program to include more partners with skills, qualifications, job experience and English-language proficiency which will increase the economic benefits of skilled migration to Australia.

67. Why are points being awarded to applicants whose partner can demonstrate Competent English?

- Currently, partners of skilled visa applicants do not have incentives to improve their English language skills prior to migration.

- Migrants who are able to communicate well in English are more likely to be able to participate in the workforce and contribute to the Australian economy and community.

68. Why are points being awarded to applicants with no partner?

- Awarding the same number of points to applicants without a partner (a single person) as applicants with a skilled partner (couples) ensures single people remain competitive in the points test.
- The additional points ensure the best and brightest prospective skilled migrants are invited to apply for a visa – single or partnered.

69. Why are we awarding more points to applicants that have a Science, Technology, Engineering and Mathematics (STEM) or specified Information and Communication Technology (ICT) educational qualification?

- The purpose of the skilled migration program is to fill skills shortages in the Australian labour market. The additional points awarded to people with STEM and ICT qualifications will support the growing demand for these skills from Australian employers.
- The nature of work is changing and Australia needs to build a workforce that has the skills relevant to the future. Australia's Office of the Chief Scientist has published multiple reports on the need for a workforce strong in STEM skills. Increasing the number of skilled migrants with STEM skills is needed for Australia's future productivity, innovation and economic success.
- The additional points improve the pathway to permanent residence for highly skilled graduates in STEM and ICT fields

70. What are the current numbers of people who have expressed their interest in skilled migration to Australia?

- The Expression of Interest pool at the end of February 2019 included 107,952 submissions that indicated they met the minimum points cut off of 65 points (figure taken from the SkillSelect system).

71. How many people have submitted expressions of interest indicating a willingness to live and work in regional Australia?

- At the end of February 2019, 74 per cent people had indicated they were willing to live outside a capital city (3 per cent said they were not willing to do so and 23 per cent did not answer).

72. What will be the impact of additional points awarded to prospective Migrants committing to live and work in regional Australia?

- Had the extra points for regional Australia been available, an additional 23,705 people could have become competitive in the Expression of Interest pool by increasing these people's points to the minimum points cut off of 65. This will provide states and territories as well as family sponsors a larger number of prospective migrants to nominate and sponsor for regional skilled migration.