

Subclass 491 - Skilled Work Regional (Provisional) Visa FACT SHEET

The subclass 491 - Skilled Work Regional (Provisional) visa allows invited skilled workers to live and work in designated regional areas of Australia (specified by postcode) for up to five years. You must first obtain a positive skills assessment for your nominated occupation and then lodge an Expression of Interest. If this is successful, you will be invited to lodge a visa application.

Subclass 491 - Skilled Work Regional (Provisional) Visa Requirements

At the time that you are **invited to apply** for this visa, you must:

- be under 45 years of age
- nominate an eligible skilled occupation that is included on the relevant Medium and Long-term Strategic Skills List (**MLTSSL**), Short-term Skilled Occupation List (**STSOL**) or Regional Occupation List (**ROL**)
- have your skills assessed by the appropriate Australian skills assessing authority as suitable for your nominated occupation (must not be a subclass 485 skills assessment). If your skills assessment is based on an Australian qualification while holding a student visa, that qualification must have been CRICOS registered
- have **competent English** i.e.
 - hold a valid passport issued by the UK, USA, Canada, New Zealand or the Republic of Ireland (and you are a citizen of that country) **OR**
 - an IELTS test score of at least 6 in EACH test component **OR**
 - an OET test score of at least B in EACH test component **OR**
 - a TOEFL iBT test score of at least 12 for listening, 13 for reading, 21 for writing and 18 for speaking **OR**
 - a PTE Academic test score of at least 50 in EACH test component **OR**
 - a Cambridge C1 Advanced test score of at least 169 in EACH test component

NOTE: In each case, the test must have been undertaken within the three years BEFORE you were invited to lodge your visa application.

- score at least 65 on the relevant points test (which takes into account your age, English competency, qualifications and work experience, amongst other factors)
- be nominated by an Australian State or Territory government agency **OR** be sponsored by an eligible relative who resides in a designated area of Australia

NOTE: In order to be an 'eligible relative', your (or your partner's) relative must be an Australian citizen, Australian permanent resident or eligible NZ citizen; at least 18 years old; and a close family member (i.e. a parent, child, sibling, grandparent, aunt, uncle, niece, nephew, or first cousin)

APPLICATION PROCESS

Anyone who wishes to apply for a subclass 491 - Skilled Work Regional (Provisional) visa **must** first be **invited** to lodge an application by the Department of Home Affairs (the 'DOHA').

In order to qualify for an invitation to apply for this visa, you must lodge an 'Expression of Interest' (EOI), which sets out how you meet the relevant requirements.

Stage 1: Initial Eligibility Assessment

The first step that we will take is to conduct an initial assessment of your eligibility for this visa. This involves reviewing your qualifications, work experience, English language and other circumstances, to establish whether or not you are likely to meet the relevant requirements.

As part of this initial eligibility assessment, we will consider which occupation(s) you are likely to be able to nominate, and whether or not you are potentially eligible for a positive skills assessment from the relevant assessing authority for that occupation.

We will then provide you with informed and comprehensive advice about your ability to meet the minimum standards (including State/Territory nomination or family member sponsorship) that the DOHA requires migrants to fulfil in order to qualify for an invitation to apply for this visa.

Note: Our initial assessment of your eligibility does not guarantee that you will (or will not) in fact obtain a positive skills assessment or nomination, or be issued an invitation to apply for this visa. In particular, whether or not you are successful in obtaining a State/Territory nomination (if applicable) will depend upon the exact requirements of the relevant State or Territory at the time that your EOI is assessed. Each State and Territory government agency regularly reviews and updates its criteria (including its list of acceptable skilled occupations) to reflect labour market conditions in its region.

Stage 2: Skills Assessment

Should our initial assessment indicate that you are eligible for a positive skills assessment and EOI, we will prepare your skills assessment application.

For each skilled occupation listed on the MLTSSL, STSOL and ROL, the DOHA has specified an assessing authority that may carry out skills assessments for that occupation. **Only a skills assessment conducted by the relevant assessing authority will be accepted by the DOHA in support of an EOI.**

We will provide you with a full list of the information and documents required to support your application. When you have provided the necessary details and documents, along with the required assessment fee, we will lodge your application with the applicable skills assessing authority.

Stage 3: Expression of Interest

Once you have received a positive skills assessment from the skills assessing authority, we will prepare and lodge your EOI. If you are seeking State/Territory nomination, you will need to specify which Australian state or territory you wish to nominate your visa application. Alternatively, you can choose to be available for nomination by any State or Territory.

Although you do not need to provide supporting documents at this stage, you **MUST** be able to provide evidence that the information supplied in the EOI is correct at the time that you are invited to apply for the visa.

Provided you meet all relevant requirements, including State/Territory nomination or family member sponsorship, you will then be invited to lodge a visa application.

Note: The DOHA retains an EOI for 2 years from the date that it is lodged. During this time, your EOI can be updated if any of your circumstances change (e.g. you obtain a new qualification or skills assessment). If your ranking changes during this 2-year period, based on either your changing circumstances or Australia's changing skill needs, you may be issued with an invitation to apply for the visa at that point in time.

Stage 4: State/Territory Nomination (IF APPLICABLE)

If you are seeking State/Territory nomination, the government agency of the State or Territory that you have chosen will review your EOI to determine whether or not you meet their particular criteria for nomination (this includes the requirement that your nominated occupation be included on the skilled occupation list for that State/Territory).

We will supply the State or Territory government agency concerned with the evidence required to show that you meet their criteria. The nature and extent of the supporting evidence required varies depending upon the State or Territory in question. If your supporting evidence is deemed acceptable, the State or Territory government agency will then nominate you for the visa.

Stage 5: Visa Application

Once the DOHA has invited you to apply for this visa, we will prepare and lodge your visa application within the specified time frame, together with all of the documents that support the information that you provided in your EOI. This includes your skills assessment, English language test results, qualifications, work references and all other required documents. Should your visa application be approved, you will be granted a provisional visa, which is valid for five years. You may be either in Australia or overseas when your visa is granted.

Visa Conditions

If you were nominated by a State or Territory, you must live, study and work only in a part of Australia that was a designated regional area at the time the visa was granted and comply with any other residential conditions specified by the relevant State/Territory government agency. If you were sponsored by a family member, you must live, study and work only in a part of Australia that was a designated regional area at the time the visa was granted.

As a condition of this visa, you must notify the DOHA of any changes to your residential address, email addresses, phone number, passport details, employer address/location of your employed position, within the timeframe required. You must also comply with requests from the DOHA for information or attend an interview as requested by the DOHA.

Next Steps

Once you have held this visa at least three years, you may be eligible to apply for a permanent subclass 191 Permanent Residence (Skilled Regional) visa, provided you meet all of the relevant criteria. This includes the requirement to have resided in a designated regional area of Australia (in accordance with your nomination or sponsorship, as referred to above) for at least three years, met the minimum income requirements for that period and complied with the other conditions of the subclass 491 - Skilled Work Regional (Provisional) visa.

PLEASE NOTE: We estimate that it may take several weeks to prepare and lodge your application, with the time taken largely dependent on how promptly you (and your sponsor, if applicable) provide us with the necessary supporting information and documents. The time that it takes the DOHA to process your application is dependent upon its processing time service standards, and may also vary due to a number of other factors, including the complexity of your case, perceived risk factors and processing priorities. Please contact us for current information regarding likely processing timeframes for this type of application.

This Fact Sheet contains **general information only**. We strongly recommend that you seek specific guidance from us that is relevant to your circumstances before taking any further action.

Do you have additional questions regarding the subclass 491 - Skilled Work Regional (Provisional) visa? Please feel free to contact us by email at support@dojolegal.com.au, or by phone on **+61 02 9138 0688** to arrange a paid consultation.

THANK YOU!



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